

EXHIBIT 4

1
2 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

3 -----X
4 PEOPLE OF THE STATE OF NEW YORK, by Letitia
James, Attorney General of the State of New
York,

5
6 PLAINTIFF,

7 -against-

Case No.:
21-CV-322
(CM) (GWG)

8
9 CITY OF NEW YORK, MAYOR BILL DE BLASIO,
POLICE COMMISSIONER DERMOT F. SHEA, and
10 CHIEF OF DEPARTMENT TERENCE A. MONAHAN,
11 DEFENDANTS.

-----X

12
13 DATE: April 6, 2023
14 TIME: 9:35 a.m.
15
16

17 VIDEOCONFERENCE DEPOSITION of a
18 30(b)(6) Witness, JOHN KANGANIS, taken by
19 the respectful parties, pursuant to the
20 Federal Rules of Civil Procedure, held at
21 the above date and time, before JANNA
22 LIRTSMAN, a Notary Public of the State of
23 New York.
24
25

A P P E A R A N C E S:

OFFICE OF THE NEW YORK ATTORNEY GENERAL

Attorney for the Plaintiff

PEOPLE OF THE STATE OF NEW YORK, by
Letitia James, Attorney General of the
State of New York

28 Liberty Street, 20th Floor

New York, New York 10005

BY: GINA BULL, ESQ.

LILLIAN MARQUEZ, ESQ.

NEW YORK CITY LAW DEPARTMENT

Corporation Counsel

Attorneys for the Defendants

CITY OF NEW YORK, MAYOR BILL DE BLASIO,

POLICE COMMISSIONER DERMOT F. SHEA, and

CHIEF OF DEPARTMENT TERENCE A. MONAHAN

100 Church Street

New York, New York 10007

BY: SERGEY MARTS, ESQ.

ALSO PRESENT:

Peter Callaghan, Esq., (NYPD)

Michael Vitoroulis, Esq. (Legal Aid)

Peter Scutero, Esq., (Corp. Counsel)

Veronica Salama (NY Civil Liberties Union
for Plaintiff)

J. Remy Green, Esq (for SOW Plaintiffs)

Wylie Stecklow, Esq.

Aymen Aboushi, Esq.

* * *

F E D E R A L S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by and between the counsel for the respective parties herein that the sealing, filing and certification of the within deposition be waived; that the original of the deposition may be signed and sworn to by the witness before anyone authorized to administer an oath, with the same effect as if signed before a Judge of the Court; that an unsigned copy of the deposition may be used with the same force and effect as if signed by the witness, 30 days after service of the original & 1 copy of same upon counsel for the witness.

IT IS FURTHER STIPULATED AND AGREED that all objections except as to form, are reserved to the time of trial.

* * * *

1 J. KANGANIS

2 MR. MARTS: I want to put a few
3 things on the record which I believe
4 is going to streamline the process.

5 Before we logged in, I noticed
6 that the deposition is being
7 recorded. I want to put on the
8 record that it does not appear it's
9 consistent with the parties'
10 Stipulation and Federal Procedure
11 Pursuant to Rule 30 Sub F.

12 Additionally, as we indicated
13 in our e-mail, the Inspector Kanganis
14 was designated as a 30(b)(6) which is
15 on topics 20 and 21. He was not
16 designated to testify with respect to
17 any other topics including topics 17
18 and 18. As we indicated in our
19 e-mail, our position is that shall
20 plaintiff ask any questions
21 pertaining to subject matter that
22 fall outside of topics 20 and 21, any
23 answers by the DI Kanganis will not
24 be binding on the City.

25 Thank you.

1 J. KANGANIS

2 MS. BULL: I would say we
3 negotiated with defendants the
4 understanding these remote
5 depositions will be recorded. That's
6 included in the stipulation, but we
7 will let the stipulation speak for
8 itself.

9 And the 30(b)(6) Notice also
10 speaks for itself in terms of what
11 subject matters are covered by the
12 topics for which Deputy Inspector
13 Kanganis is designated.

14
15 J O H N K A N G A N I S, called as a
16 witness, having been first duly sworn by a
17 Notary Public of the State of New York, was
18 examined and testified as follows:

19 EXAMINATION BY

20 MS. BULL:

21 Q. Good morning, Deputy Inspector.
22 My name is Gina Bull. I represent the
23 People of the State of New York in one of
24 the few lawsuits stemming from the racial
25 justice protests in 2020.

1 J. KANGANIS

2 You can answer if you
3 understand the question, Inspector.

4 A. There is a Patrol Guide
5 procedure on arrest processing. That's the
6 only procedure I'm aware of. There was no
7 new procedure created for the summer of
8 2020.

9 Q. What section of the Patrol
10 Guide is that?

11 A. I believe it's 208 section, but
12 I couldn't tell you what subdivision.

13 Q. All right. Can you walk me
14 through the steps that officers were
15 trained to take in preparing an arrest for
16 prosecution starting from the time of an
17 arrest?

18 MR. MARTS: Objection.

19 Outside of scope.

20 A. No, I can't.

21 Q. And so you're not prepared to
22 answer this question?

23 MR. MARTS: Objection.

24 The question is outside of the
25 scope of the topic.

1 J. KANGANIS

2 You can answer, Inspector.

3 A. I can't answer the question. I
4 don't have knowledge of how an arrest is
5 processed now. I haven't made an arrest in
6 about 25 years.

7 Q. You have no knowledge about
8 NYPD's procedure for processing arrests and
9 coordinating with district attorney offices
10 as outside of knowing there is a Patrol
11 Guide on point?

12 A. Correct.

13 MR. MARTS: For the record,
14 please note my objection.

15 Q. If at some point after an
16 arrest during the period of the 2020
17 protests the district attorney's office
18 decided to dismiss or to decline to
19 prosecute an arrest, who would be informed
20 of that?

21 MR. MARTS: Objection to form.

22 You can answer if you answer
23 the question.

24 A. Decision not to prosecute an
25 arrest is made by the district attorney.

1 J. KANGANIS

2 There is nobody that I'm aware of that they
3 would notify of their decision.

4 Q. When you say that you are aware
5 of, you don't know if there is someone
6 within the NYPD who would be informed if a
7 district attorney decided to dismiss or
8 declined to prosecute an arrest?

9 A. No. There is nobody designated
10 to receive that information, if that's a
11 clear answer.

12 Q. So do you know if an arresting
13 officer would be informed in the situation
14 such as that?

15 MR. MARTS: Objection.

16 You can answer.

17 A. I don't know.

18 MR. MARTS: Gina, can you give
19 me one second? I apologize. I just
20 need one minute. My apologies.

21 MS. BULL: All right. We will
22 go off the record for a few minutes.

23 MR. MARTS: Thank you. My
24 apologies.

25 (Whereupon, at 10:16 a.m., a

1 J. KANGANIS

2 short recess was taken.

3 At 10:20 a.m., the deposition
4 resumed.)

5 MR. MARTS: Thank you for
6 accommodating my request. I
7 appreciate it.

8 MS. BULL: Sure.

9 Q. Deputy Inspector, are you
10 prepared to answer what questions the NYPD
11 is responsible for preparing when they are
12 preparing an arrest for prosecution?

13 MR. MARTS: Objection.

14 You can answer, Inspector, if
15 you understand the question.

16 A. I don't understand the
17 question.

18 Q. So I asked earlier, walk me
19 through the steps that officers are trained
20 to take in preparing an arrest for
21 prosecution starting from the time of
22 arrest. Are you prepared to answer that
23 question?

24 A. I answered there was a Patrol
25 Guide procedure that explains the steps.

1 J. KANGANIS

2 It speaks for itself. I'm not familiar to
3 the extent that I can answer questions
4 about the procedure.

5 MR. MARTS: And for the record,
6 please note my objection that the
7 question was asked, it's outside of
8 the scope of the topic 20, 21.

9 MS. BULL: I'm going to ask
10 that you stop with the speaking
11 objections, please.

12 MR. MARTS: My apologies.

13 Q. It's just a yes-or-no question.
14 Are you prepared to answer the
15 question?

16 There is not great audio. If
17 you can speak up, please.

18 A. I said no.

19 Q. Are you prepared to answer the
20 question what involvement would the
21 arresting officer have in the preparation
22 of a criminal complaint?

23 MR. MARTS: Objection.

24 Scope.

25 A. No.

1 J. KANGANIS

2 Q. And when are officers trained
3 in the procedures for preparing an arrest
4 for prosecution?

5 MR. MARTS: Objection.

6 Scope.

7 A. Is the question am I prepared
8 to answer questions about that?

9 Q. Well, I'm first asking you the
10 question.

11 A. I didn't understand the
12 question.

13 Q. When are officers trained in
14 the procedures of preparing an arrest for
15 prosecution?

16 A. Initially, at the police
17 academy.

18 Q. After that police academy?

19 A. I said initially at the police
20 academy.

21 Q. Any other training?

22 MR. MARTS: Objection.

23 Scope.

24 A. Training continues after the
25 police academy in the field.

1 J. KANGANIS

2 Q. Can you be more specific?

3 A. Officers, after graduation from
4 the police academy, are assigned to field
5 training units. Those assignments they get
6 hands-on experience, and they would be
7 taught how to process an arrest.

8 Q. Are you aware of any specific
9 trainings that the NYPD conducts on those
10 procedures?

11 MR. MARTS: Objection.
12 Scope.

13 A. No.

14 Q. So you're not prepared to
15 answer this question on behalf of the NYPD?

16 MR. MARTS: Objection.

17 A. Correct.

18 Q. In a situation in which an
19 officer does not have personal knowledge
20 for why a person is being arrested, how
21 does that influence the procedure for
22 processing of an arrest?

23 MR. MARTS: Objection.

24 Outside of scope.

25 A. I'm going to refer you to the

1 J. KANGANIS

2 arrest processing procedure I mentioned
3 earlier.

4 Q. So are you not prepared to
5 answer that question on behalf of the NYPD?

6 MR. MARTS: Objection.

7 A. Right.

8 Q. Who would be responsible for
9 making -- for responding to any request
10 from district attorney offices needed for
11 the prosecution of an arrest at NYPD?

12 MR. MARTS: Objection.

13 Form.

14 You can answer.

15 A. Well, the arresting officer has
16 to provide whatever documents the district
17 attorney would need.

18 Q. Is anyone else responsible for
19 that?

20 A. Not familiar with the procedure
21 I mentioned earlier, so again I will refer
22 you to that procedure.

23 Q. So you're not prepared to
24 answer that question on behalf of the City
25 of New York?

1 J. KANGANIS

2 A. Correct.

3 Q. What was the procedure for
4 coordinating with district attorney offices
5 at the time of the 2020 protests when an
6 interview of an officer was necessary?

7 MR. MARTS: Objection to form.
8 You can answer.

9 A. There is no procedure that --
10 to address what you just asked me about.

11 Q. So you are sure there was no
12 procedure at the time to coordinate with
13 district attorney offices to interview any
14 officer when necessary?

15 A. Beyond what is in the Patrol
16 Guide in the 208 section, there is no
17 special procedure for the summer of 2020,
18 if that's what you are asking.

19 Q. I'm not asking about any
20 special procedure. I'm asking about what
21 procedure was in place at the time.

22 A. Patrol Guide procedure 208, the
23 arrest procedure in the Patrol Guide.

24 Q. Was there any unwritten policy
25 in place governing that process at the

1 J. KANGANIS

2 time?

3 MR. MARTS: Objection.

4 You can answer.

5 A. No.

6 Q. Was there any category of cases
7 in the period of the 2020 protests where
8 the procedures in that Patrol Guide were
9 not used?

10 MR. MARTS: Objection to form.

11 You can answer.

12 A. No.

13 Q. I asked earlier about a
14 district attorney's office decision to
15 dismiss or declined to prosecute an arrest,
16 and you said that you were not aware of
17 anyone who would be informed about that;
18 right?

19 A. I don't remember your specific
20 question and the specific answer; but if
21 you are asking me again, what you just said
22 is accurate.

23 Q. So you're not prepared to
24 answer that question on behalf of the City
25 of New York?

1 J. KANGANIS

2 MR. MARTS: Objection.

3 A. I'm prepared and I've answered,
4 there is nobody designated to serve the
5 role that you just described.

6 Q. I didn't ask if someone was
7 designated. I asked if anyone would be
8 informed.

9 A. No, I'm not prepared to answer
10 the question that you just asked.

11 Q. Has there been any change to
12 any of the policies and procedures with
13 respect to coordinating with the district
14 attorney offices in the processing of an
15 arrest from 2020 to present?

16 MR. MARTS: Objection.

17 Outside of scope.

18 You can answer, Inspector.

19 A. I'm not prepared to answer that
20 question.

21 MS. BULL: I'm going to show an
22 exhibit that will be marked Kanganis
23 3.

24 (Whereupon, the aforementioned
25 document was marked as Kanganis

1 J. KANGANIS

2 Exhibit 3 for identification as of
3 this date by the Reporter.)

4 MS. BULL: This bears Bates
5 stamp DEF_000323038 through 054, and
6 I will put that in the chat.

7 Q. Do you see the document on the
8 screen that says, "Affidavit in Support of
9 Declining/Deferring Prosecution" on the
10 top?

11 A. Yes.

12 Q. Have you seen this document
13 before?

14 A. No.

15 Q. Do you recognize what type of
16 document this is?

17 A. Other than the title, no.

18 Q. I'm going to scroll through the
19 first two pages of this document and ask
20 you to read them; okay? Just let me know
21 if you need me to slow down. Let me know
22 when you finish the first page.

23 A. Okay, continue. You can finish
24 if you have anymore.

25 Q. We will start with the first

1 J. KANGANIS

2 few pages.

3 MR. MARTS: I'm not sure
4 whether you put the name of the
5 document on the record. And I
6 apologize if you did, but if you can
7 just put it on the record.

8 MS. BULL: Affidavit of Support
9 of Declining/Deferring Prosecution.

10 MR. MARTS: Please note my
11 objection for the record to the
12 document.

13 Q. Deputy Inspector, here at the
14 bottom where it says, "the assigned desk
15 appearance representative," do you know
16 what does that mean?

17 MR. MARTS: Objection.

18 A. I don't know.

19 Q. You're not prepared to answer
20 that?

21 MR. MARTS: Objection.

22 Q. I didn't hear an answer.

23 A. The answer was I don't know.
24 If you want to say I'm not prepared to
25 answer it, I'm not prepared to answer it

1 J. KANGANIS

2 because I don't have knowledge of the
3 assigned desk appearance representative.

4 Q. It says, "Captain Delgado of
5 the Strategic Response Group who was
6 involved in assigning the arrest." What do
7 you understand that to mean?

8 MR. MARTS: Objection.

9 A. I understand that to mean the
10 assigned officers to process this
11 particular arrest.

12 Q. And can you tell me what is the
13 process of assigning another officer to an
14 arrest?

15 MR. MARTS: Objection.

16 Outside of scope.

17 A. I will refer you to Patrol
18 Guide procedure that I mentioned earlier.

19 Q. I'm just asking you to answer
20 the question.

21 A. I can't answer the question.
22 I'm not familiar with the procedure to the
23 extent that I can answer your questions
24 about it.

25 Q. Okay, so you're not prepared to

1 J. KANGANIS

2 answer that question.

3 A. No.

4 Q. After reading this affidavit,
5 what is your understanding as to why the
6 district attorney decided to dismiss the
7 charges of unlawful assembly and disorderly
8 conduct here?

9 MR. MARTS: Objection to form.
10 Outside of the scope.

11 You can answer.

12 A. It states it was dismissed in
13 the interest of justice.

14 Q. Does it say any other reason
15 for dismissing the prosecution?

16 A. You want me to read it again?
17 That's what stuck out to me, declining to
18 prosecute in the interest of justice.

19 Q. Do you see on page two the
20 second paragraph, "without the ability to
21 identify the defendants as individuals
22 suspected of criminal conduct in addition
23 to the crimes described above, it is our
24 position that the evidence currently
25 presented will not convince a jury beyond a

1 J. KANGANIS

2 reasonable doubt that their presence in the
3 group constituted an incitement which was
4 both directed towards and likely to produce
5 imminent violent and tumultuous conduct"?

6 MR. MARTS: Objection.

7 A. I see it.

8 Q. The first paragraph, it says,
9 The arresting officer nor Captain Delgado
10 had sufficiently individualized knowledge
11 of each defendant's conduct to justify
12 additional charges aside from the violation
13 of the emergency order; correct?

14 MR. MARTS: Objection.

15 A. That's what it says.

16 Q. Would you agree that this
17 affidavit seems to say that the district
18 attorney did not find there was sufficient
19 probable cause for the charge of unlawful
20 assembly and disorderly conduct?

21 MR. MARTS: Objection.

22 Please note my objection for
23 the record.

24 A. It says they didn't think they
25 could convince a jury beyond a reasonable

1 J. KANGANIS

2 doubt so they dismissed it in the interest
3 of justice. That's what it says. It
4 speaks for itself.

5 Q. You didn't answer my question.

6 A. You asked me if I agree with
7 it.

8 Q. Your understanding. If you
9 understand that to mean that it was not
10 just in the interest of justice, but that
11 it was insufficient individualized
12 knowledge of each defendant's conduct to
13 justify additional charges --

14 MR. MARTS: Objection to form.

15 Objection to the question.

16 Outside the scope.

17 A. If we are going to go into my
18 understanding of it, let's go back to the
19 first paragraph which ends on page two
20 where it mentions which is a summonsable
21 offense, and it states, "The Penal Law
22 sections for unlawful assembly and
23 disorderly conduct." But I don't see any
24 other statement that relates to those
25 charges other than they would not be

1 J. KANGANIS

2 justified, so I don't understand the
3 question.

4 Q. What is the standard for
5 establishing probable cause to arrest
6 someone for unlawful assembly as an arrest?

7 MR. MARTS: Objection.

8 Outside the scope.

9 You can answer if you
10 understand the question.

11 THE WITNESS: I understand.

12 A. Probable cause is a legal
13 standard which is necessary -- required to
14 effect an arrest. Other than that, I don't
15 understand what you are asking me.

16 Q. Do you understand specifically
17 what would be needed to have probable cause
18 for the offense of unlawful assembly?

19 MR. MARTS: Objection.

20 Outside of the scope.

21 A. The Penal Law, you need one
22 plus four violent and tumultuous behavior;
23 you need facts and circumstances against
24 the individual to support the probable
25 cause to make that arrest.

1 J. KANGANIS

2 Q. What is the probable cause
3 needed to make out an offense of disorderly
4 conduct?

5 MR. MARTS: Objection.

6 Outside of the scope of the
7 topics.

8 A. Again, facts and
9 circumstances --

10 THE WITNESS: Do you want me to
11 answer that question or --

12 MR. MARTS: You can answer the
13 question if you understand.

14 A. Facts and circumstances which
15 support the standard of probable cause, I
16 believe sub six is obstructing vehicular
17 traffic; but I'm not certain as to the
18 subdivision.

19 But again, you would need facts
20 and circumstances against the particular
21 individual to support the charge.

22 Q. Are you familiar with case law
23 cited here, Demler versus City of New York
24 on page two?

25 A. No.

1 J. KANGANIS

2 MR. MARTS: Objection.

3 Outside of the scope.

4 Q. I'm going to go to page three
5 of Kanganis 3 and ask you to read under
6 details. Let me know when you are
7 finished.

8 A. I'm finished.

9 Q. Based on the facts alleged in
10 this details section here, do you think
11 that there is probable cause to make out
12 the offense of unlawful assembly?

13 MR. MARTS: Objection to form.
14 Objection to outside of the
15 scope.

16 You can answer, Inspector.

17 A. Yes.

18 Q. Why?

19 MR. MARTS: Objection.

20 A. Did you ask me why?

21 Q. Can you explain why the answer
22 is yes.

23 A. Because considering the
24 circumstances that were going on I think it
25 constitutes violent and tumultuous

1 J. KANGANIS

2 behavior; shoving the police, slapping the
3 police, the unknown liquids, it could be
4 the gasoline. There were several molotov
5 cocktails. They refused orders to
6 disburse. I believe it meets. I'm not a
7 district attorney, so.

8 Q. Do you think the facts as
9 described here make out probable cause for
10 the offense of disorderly conduct?

11 MR. MARTS: Objection.

12 Outside of the scope.

13 You can answer.

14 A. Yes. Refused the orders to
15 disburse, so --

16 Q. I'm going to go back to the
17 affidavit.

18 Let's assume for the purpose of
19 this discussion that the person who -- the
20 arresting officer did not see the
21 individual defendant engage in any of that
22 conduct, any of this violent and disorderly
23 conduct that's described in the affidavit.
24 Do you think that makes out the probable
25 cause for the offense of unlawful assembly?

1 J. KANGANIS

2 MR. MARTS: Objection to form.

3 Objection to outside of the
4 scope.

5 A. Probable cause has to be
6 against the individual protester or the
7 individual involved in the acts that are
8 alleged.

9 Q. The answer is a yes-or-no
10 question.

11 A. Can you ask the question again,
12 please?

13 Q. I will rephrase it.
14 So looking at this affidavit,
15 right, without the ability to identify the
16 defendants as individuals suspected of
17 criminal conduct, let's assume that this
18 person was in a crowd of protesters but
19 there was no knowledge that person, this
20 defendant, was engaged in the alleged
21 violent and disorderly conduct, is there a
22 probable cause?

23 MR. MARTS: Objection to form
24 and scope.

25 A. You want a yes or no answer?

1 J. KANGANIS

2 Q. Yes.

3 A. The answer would be no.

4 Q. Would there be probable cause
5 for disorderly conduct?

6 MR. MARTS: Objection.

7 Outside of scope.

8 A. If you can't identify the
9 individual that's violating the statute,
10 you don't have the probable cause against
11 that individual.

12 Q. So an individual who is part of
13 a crowd but there is not individualized
14 knowledge of the violent behavior as
15 described in this last paragraph on page
16 one, there is no probable cause for those
17 two offenses?

18 MR. MARTS: Objection.

19 Outside of scope.

20 A. To charge an individual with a
21 particular crime, you have to have
22 individualized probable cause against the
23 individual.

24 Q. It was a yes-or-no question.

25 A. Can you ask it again, please?

1 J. KANGANIS

2 Q. In a situation as described in
3 this affidavit where the defendant is a
4 member of a crowd but there is not
5 individualized knowledge that they were
6 engaged in any of the violent activity that
7 is described in page one, is there probable
8 cause for those two offenses?

9 MR. MARTS: Objection.

10 Asked and answered.

11 You can answer.

12 A. No.

13 Q. How does the NYPD ensure that
14 there is individualized probable cause in
15 arrests for large demonstrations such as
16 these?

17 MR. MARTS: Objection to form
18 and scope.

19 You can answer, Inspector.

20 A. Large demonstrations, there are
21 supervisors there to verify arrests. And
22 often there is a Legal Bureau attorney on
23 scene to assist.

24 Q. Anything else?

25 MR. MARTS: Objection.

1 J. KANGANIS

2 A. That's the answer.

3 Q. Is there any training or
4 guidance provided to officers to make that
5 determination?

6 MR. MARTS: Objection.

7 Outside of the scope.

8 You can answer, Inspector.

9 A. I spoke about training earlier
10 and field training. I spoke about training
11 in the police academy.

12 Q. Were there occasions where
13 staff in any district attorney office
14 expressed lack of probable cause in arrests
15 related to the 2020 protests?

16 MR. MARTS: Objection to form
17 and scope.

18 You can answer.

19 A. To whom? To me?

20 Q. The question is, you are
21 testifying today on behalf of the City of
22 New York. Were there occasions where staff
23 in any district attorney offices expressed
24 issues of lack of probable cause or
25 individualized knowledge in arrests related

1 J. KANGANIS

2 to the 2020 protests?

3 A. No. That's a very broad
4 question. I can't say who had
5 conversations in the police department, but
6 I can say as an agency we did not receive
7 any communication regarding lack of
8 probable cause.

9 Q. Were there occasions that the
10 City of New York or the NYPD learned from
11 district attorney offices that they were
12 declining or dismissing a prosecution
13 related to the 2020 protests based on lack
14 of sufficiently individualized knowledge or
15 probable cause to justify the charges?

16 MR. MARTS: Objection to form.

17 A. Again, that's a very broad
18 question.

19 As an agency, there was no
20 communication from any of the DAs that
21 there was a lack of probable cause and that
22 was the cause of their dismissal.

23 Q. So did the City of New York
24 receive affidavits declining to prosecute
25 arrests such as the one that I have just

1 J. KANGANIS

2 showed you in Kanganis 3?

3 MR. MARTS: Objection to form.

4 A. You just showed me that one. I
5 haven't seen any others.

6 Q. You are testifying here today
7 on behalf of the City of New York; correct?

8 A. Correct.

9 Q. So in your answer, on behalf of
10 the City of New York, were there occasions
11 that the NYPD learned that any district
12 attorney's office was declining or
13 dismissing a prosecution related to the
14 2020 protests based on lack of sufficient
15 individualized knowledge or probable cause
16 to justify the charges?

17 MR. MARTS: Objection.

18 Asked and answered.

19 A. Any occasions is very broad.
20 Other than the one you just showed me and
21 there may be others, but the answer is no.

22 Q. So there may be others meaning
23 you don't know if there were others?

24 MR. MARTS: Objection.

25 You can answer.

1 J. KANGANIS

2 A. I'm not prepared to answer that
3 because I haven't reviewed the documents
4 you just produced and whether there are
5 anymore or not.

6 Based on that logic, I could
7 see the district attorney office filling
8 out a similar document in a different
9 borough, so it may exist.

10 Q. I'm going to show you Kanganis
11 3 just quickly again.

12 I'm on the bottom of the second
13 page. Do you see where it says, "action to
14 be taken by arresting officer"?

15 A. Yes.

16 MR. MARTS: Objection.

17 Q. Is it your understanding that
18 this document would be shared with the
19 arresting officer?

20 MR. MARTS: Objection.

21 A. I haven't seen this document
22 before.

23 Q. Are you prepared to answer this
24 question on behalf of the City of New York?

25 A. No.

1 J. KANGANIS

2 Q. Did the City of New York or the
3 NYPD take any action in response to any
4 feedback from district attorney's offices
5 describing lack of sufficiently
6 individualized knowledge or probable cause
7 during the time of the 2020 protests?

8 MR. MARTS: Objection to form.
9 You can answer.

10 A. I'm not prepared to answer that
11 question.

12 Q. At any point during the 2020
13 protests did the NYPD provide instructions
14 or guidance to officers as to how to
15 determine probable cause for an arrest at a
16 protest?

17 MR. MARTS: Objection to form.
18 Outside of the scope.

19 A. I'm not prepared to answer that
20 question.

21 Q. Did the NYPD take any action in
22 response to any district attorney's
23 declination to prosecute any arrest arising
24 out of the 2020 protest?

25 MR. MARTS: Objection to form.

1 J. KANGANIS

2 You can answer.

3 A. No.

4 Q. The answer is no, they did not
5 take any action; or no, you're not
6 prepared?

7 A. No, they did not take any
8 action.

9 MS. BULL: I'm going to show
10 what will be marked Kanganis 4.

11 (Whereupon, the aforementioned
12 document was marked as Kanganis
13 Exhibit 4 for identification as of
14 this date by the Reporter.)

15 MS. BULL: This document has
16 the Bates stamp DEF_000323140 through
17 142. I'm putting that in the chat.

18 Q. There is no title to this
19 document or that is listed on the document,
20 but I will represent to you that the
21 metadata that we received for this document
22 has a date of June 5, 2020.

23 Do you recognize this document?

24 A. No.

25 MR. MARTS: Please note my

1 J. KANGANIS

2 objection.

3 Q. So you've never seen this
4 before?

5 A. No.

6 Q. I'm going to go to the third
7 page of the document. It says, "three
8 charges" at the top.

9 A. Yes, I see it.

10 Q. If you want to read this and
11 let me know when you are ready.

12 A. Okay, I read it.

13 Q. Would you describe this as a
14 template narrative for use by officers when
15 they are writing arrest reports?

16 MR. MARTS: Objection to form
17 and outside of the scope.

18 A. I wouldn't -- I would describe
19 this as, you know, relating the facts and
20 circumstances of this particular incident.

21 The answer to your question is
22 no.

23 Q. Let me go to the first page
24 again, if you want to review those quickly.

25 Let me know when you are ready.

1 J. KANGANIS

2 A. Okay, I'm ready.

3 Q. Would you describe these as
4 premade narratives for officers to use when
5 writing arrest reports?

6 MR. MARTS: Objection to form.
7 Outside of the scope.

8 A. I don't know what they are. I
9 haven't seen them before.

10 Q. Are you aware of any sort of
11 template or premade narratives that are
12 provided to officers for that purpose?

13 MR. MARTS: Objection.

14 A. Not aware of any.

15 Q. Does the Legal Bureau provide
16 any templates for officers to use when they
17 are writing up arrests?

18 A. The criminal section of the
19 Legal Bureau may do that.

20 I haven't seen the documents
21 you've put in front of me.

22 Q. So you're not prepared to
23 answer that on behalf of the City of New
24 York?

25 A. I think I just answered.

1 J. KANGANIS

2 Q. You said that they may. So you
3 don't know the answer?

4 A. You asked me about this
5 particular document. I don't know where it
6 came from, and I haven't seen it before.

7 Q. My question is, generally
8 speaking, does the Legal Bureau provide any
9 sort of template or premade narrative that
10 arrests -- that officers can use when
11 writing up arrest reports.

12 MR. MARTS: Objection to form.
13 You can answer.

14 A. They may. I just haven't seen
15 this particular document before.

16 So we are there to assist
17 officers in the field. If they need
18 assistance, I can see us preparing a
19 document similar to this one and
20 distributing it.

21 But I can't say this particular
22 one was created by the Legal Bureau and
23 shared with the field.

24 Q. My question was not about this
25 particular document. It was about any type

1 J. KANGANIS

2 of document that I just described on behalf
3 of the City of New York. Does the Legal
4 Bureau provide any such document?

5 A. Yes.

6 Q. Okay.

7 And have you seen any of those
8 documents?

9 A. I haven't seen them.

10 But I know this looks like one
11 that may have been, but I can't say it is.
12 I have not seen it.

13 Q. Have you ever drafted any of
14 them?

15 A. No.

16 Q. Have you ever edited any of
17 them?

18 A. No.

19 Q. You can confirm that the Legal
20 Bureau does prepare documents with sample
21 narratives for police officers to draft
22 arrest reports?

23 A. Yes.

24 MR. MARTS: Objection.

25 Asked and answered.

1 J. KANGANIS

2 Q. Going back to the third page,
3 would you agree that the language in this
4 paragraph looks very similar to the
5 description of the arrest that we saw in
6 Kanganis 3?

7 MR. MARTS: Objection.

8 A. Yes.

9 Q. And does it have the same
10 defects as described by the district
11 attorney's affidavit in terms of describing
12 individualized probable cause?

13 MR. MARTS: Objection to form
14 and outside the scope.

15 A. I would just say this one
16 identifies this person as a member of the
17 crowd but it doesn't identify this person
18 as the individual involved in the assault
19 described by the inspector.

20 Q. Is there sufficient information
21 in this paragraph to make out
22 individualized probable cause for unlawful
23 assembly and disorderly conduct?

24 MR. MARTS: Objection to form.

25 Outside of the scope.

1 J. KANGANIS

2 You can answer.

3 A. This seems to have a similar
4 defect to the prior document you showed me.

5 Q. You said you're not aware of
6 this particular document, but are you aware
7 of any similar sample or template document
8 that was provided to officers around the
9 time of the 2020 protests?

10 A. No.

11 MR. MARTS: Objection.

12 Asked and answered.

13 Q. Let me just go back.

14 You said it has the same
15 defect. Can you please identify what the
16 defect is?

17 MR. MARTS: Objection.

18 A. Again, the probable cause is
19 not against an individual; it's against a
20 group.

21 Q. Was any similar document used
22 in the course of the 2020 protests?

23 MR. MARTS: Objection.

24 A. I'm not prepared to answer that
25 question.

1 J. KANGANIS

2 Q. I'm going to show you another
3 exhibit. It will be marked Kanganis 5.

4 (Whereupon, the aforementioned
5 document was marked as Kanganis
6 Exhibit 5 for identification as of
7 this date by the Reporter.)

8 MS. BULL: It has the Bates
9 number DEF_E_PD_00000995 through 998.

10 Q. I'm going to scroll through the
11 document quickly, Deputy Inspector.

12 Have you seen this document
13 before?

14 A. No.

15 MR. MARTS: I apologize. You
16 just scrolled too fast.

17 I wasn't finished reading it.
18 Can you go back up a little bit?

19 MS. BULL: You want to see the
20 e-mails?

21 MR. MARTS: No. Just the
22 middle portion. You just went
23 through too fast. I apologize.

24 I'm good, if you can scroll
25 down.

1 J. KANGANIS

2 Q. Are you familiar with any
3 demonstration quick reference guide in
4 reference to the arrests?

5 A. I'm not.

6 Q. Are you familiar with any
7 document named Floyd Demo Quick Reference?
8 Do you know who wrote this --

9 MR. MARTS: Objection.

10 Q. -- Floyd Demo Quick Reference?

11 MR. MARTS: You can answer.

12 A. No.

13 Q. Are you familiar with any
14 document provided to officers that may be
15 similar to this document?

16 MR. MARTS: Objection to form
17 and scope.

18 You can answer, Inspector.

19 A. No.

20 Q. Are you familiar with any type
21 of document that gives officers
22 instructions to use as reference when
23 prosecuting any particular offenses?

24 MR. MARTS: Objection to form
25 and outside of the scope.

1 J. KANGANIS

2 You can answer, Inspector.

3 A. No.

4 Q. Does the City of New York or
5 the NYPD provide any reference documents at
6 the time of the protests that could be used
7 by officers to understand what different
8 Penal Law offenses --

9 MR. MARTS: Objection.

10 Objection to form.

11 You can answer.

12 A. One on the screen. The answer
13 is yes.

14 Q. So are you saying this document
15 was provided to officers?

16 MR. MARTS: Objection.

17 You can answer.

18 A. It's from the Operations Unit,
19 and it has wide distribution. I'm
20 confident saying yes, it was shared.

21 Q. But do you have any knowledge
22 of that outside of seeing the document I'm
23 showing you right now?

24 A. No.

25 MR. MARTS: Please note my

1 J. KANGANIS

2 objection.

3 Q. So you're not prepared to
4 answer that question on behalf of the City
5 of New York?

6 A. Other than what is right on the
7 screen and I understand and recognize the
8 source of the e-mail, that would be my
9 preparation. Other than that, the answer
10 to your question is no.

11 Q. Do you know what VTL 1156a is?

12 MR. MARTS: Objection.

13 Outside the scope.

14 You can answer, Inspector.

15 A. It says right there, "walking
16 in the roadway."

17 Q. How often in your years with
18 the police department did you issue a
19 summons for VTL 1156a, if at all?

20 MR. MARTS: Objection to form
21 and scope.

22 You can answer, Inspector.

23 A. I never issued a summons for
24 VTL 1156a.

25 Q. Are you aware of anyone else in

1 J. KANGANIS

2 the NYPD issuing a summons for VTL 1156a
3 during your years in the police department?

4 MR. MARTS: Objection to form
5 and scope of the question.

6 You can answer, Inspector.

7 A. As to particular individuals,
8 no.

9 Do I know that it's used, yes,
10 it's used. But I don't know particular
11 individuals who have issued a summons for
12 VTL 1156a.

13 Q. Are you aware of anyone else in
14 the NYPD issuing a summons for VTL 1156a
15 outside of protest or First Amendment
16 activities?

17 MR. MARTS: Objection to form
18 and scope.

19 You can answer.

20 A. No.

21 Q. I'm asking you on behalf of the
22 City of New York who wrote this Floyd Demo
23 Quick Reference that we see in this e-mail.

24 MR. MARTS: Objection to form.

25 You can answer.

1 J. KANGANIS

2 A. The e-mail was sent by the
3 Operations Unit. I don't know the author
4 of the document.

5 Q. So you're not prepared to
6 answer that question?

7 A. Correct.

8 Q. Was any district attorney's
9 office consulted in the creation of the
10 Floyd Demo Quick Reference?

11 MR. MARTS: Objection to form
12 and scope.

13 You can answer, Inspector.

14 A. I'm not prepared to answer that
15 question.

16 Q. I'm going to focus on the first
17 paragraph that starts with "all arrests
18 related to the demonstration."

19 Let me know when you've read
20 that paragraph.

21 A. Okay, I read it.

22 Q. What precipitated the providing
23 this instruction?

24 MR. MARTS: Objection to form
25 and scope.

1 J. KANGANIS

2 You can answer.

3 A. I'm not prepared to answer that
4 question.

5 Q. Where it says, "summons must be
6 issued and signed by MOS who personally
7 observed the violation," what is the origin
8 of that advice?

9 MR. MARTS: Objection to form
10 and scope.

11 You can answer, Inspector.

12 A. MOS has to observe the person
13 to issue a summons.

14 I can't speak to this document,
15 but I can speak to as the rule, I think
16 it's the CPL, says the summons must be
17 issued by MOS who personally observed
18 violation.

19 Q. Was there any feedback from the
20 district attorney office precipitated that
21 instruction?

22 A. I'm not prepared to answer that
23 question.

24 MR. MARTS: Please note my
25 objection as to form and scope.

1 J. KANGANIS

2 Q. Where it says, "the district
3 attorney have pledged to aggressively
4 prosecute cases where MOS or members of the
5 public are endangered or injured," what is
6 the foundation for that statement?

7 MR. MARTS: Objection.

8 You can answer.

9 A. I can't answer that question.

10 Q. I'm going to go to the last
11 paragraph on the second page starting with
12 discovery.

13 Please read it and let me know
14 when you are ready?

15 A. I read it.

16 Q. What is the foundation for the
17 statement "if we do not collect all this
18 information and make available to district
19 attorney offices there is an extremely high
20 likelihood that a criminal case will be
21 dismissed"?

22 MR. MARTS: Objection to form.

23 A. I believe it's 245 of the CPL
24 in the discovery rules what's in the
25 possession of the police department is in

1 J. KANGANIS

2 the possession of the district attorney
3 offices. Other than that, why it's in this
4 document, I don't know who wrote it or the
5 source of it other than what I just said.

6 Q. Was this advice in this
7 paragraph followed by officers during this
8 period of protests?

9 MR. MARTS: Objection to form
10 and scope.

11 You can answer, Inspector.

12 A. Yes.

13 Q. So officers did upload their
14 body-worn camera footage with the label
15 Floyd-2020-05-29?

16 MR. MARTS: Objection.

17 You can answer.

18 A. That particular date, that's
19 how you would search for the body-worn
20 camera video, yes.

21 Q. On that particular date, do you
22 mean May 29, 2020?

23 A. Yes.

24 Q. Were body-worn camera footage
25 uploaded with a label indicating their

1 J. KANGANIS

2 apparently.

3 Q. In the announcement it says
4 that the district attorney's office will
5 decline to prosecute unlawful and
6 disorderly conduct arrests; correct?

7 MR. MARTS: Objection.

8 You can answer.

9 A. I believe that's what it says.

10 Q. Does NYPD or the City of New
11 York have an understanding as to why the
12 district attorney was not prosecuting those
13 two offenses?

14 MR. MARTS: Objection.

15 Asked and answered.

16 You can answer.

17 A. The rationale is in his
18 announcement. Beyond that, the answer to
19 your question is no.

20 Q. The announcement also says that
21 the office will evaluate and decline to
22 prosecute other protest-related charges
23 where appropriate; right?

24 MR. MARTS: Objection.

25 You can answer.

1 J. KANGANIS

2 A. That's what it says.

3 Q. And the second paragraph
4 explains that these offenses undermine the
5 critical bonds between law enforcement and
6 communities; right?

7 MR. MARTS: Objection.

8 You can answer.

9 A. Yes.

10 Q. And it specifically mentions,
11 quote, "police violence as a crime",
12 unquote?

13 MR. MARTS: Objection to form
14 and scope.

15 You can answer.

16 A. That's what it says.

17 Q. What was the City of New York's
18 response to this reasoning for the district
19 attorney's decision?

20 A. I'm not prepared to answer that
21 question.

22 Q. What is the NYPD's
23 understanding as to whether there are any
24 specific examples of violence that
25 contributed to the district attorney's

1 J. KANGANIS

2 statement and decision?

3 MR. MARTS: Objection.

4 You can answer.

5 A. I'm not prepared to answer.

6 Q. Does the NYPD or the City of
7 New York agree or disagree that the
8 prosecution of those offenses undermines
9 critical bonds between law enforcement and
10 communities that they serve?

11 MR. MARTS: Objection.

12 You can answer.

13 A. Not prepared to answer.

14 Q. On June 5, 2020, did the NYPD
15 have any security details within the
16 district attorney's offices?

17 MR. MARTS: Objection to form.

18 You can answer.

19 A. I don't know if on June 5th.

20 I know there were details
21 assigned to Manhattan district attorney's
22 office.

23 Q. Prior to June 5, 2020, did the
24 NYPD have security details within the
25 district attorney offices?

1 J. KANGANIS

2 A. My understanding is yes, they
3 had details assigned to the district
4 attorney offices.

5 Q. Did the NYPD pull their
6 security details out of the district
7 attorney offices shortly after the
8 announcement that those offices would
9 decline to prosecute certain protest
10 offenses?

11 MR. MARTS: Objection to form.
12 You can answer.

13 A. At a point in time, the
14 personnel assigned to those details were
15 reassigned to enforcement duties as needed.

16 Q. So the answer is yes.

17 A. Can you repeat your question?

18 Q. Did the NYPD pull their
19 security details out of the district
20 attorney offices shortly after the
21 announcement that they would decline to
22 prosecute certain protest arrests?

23 MR. MARTS: Objection.
24 You can answer.

25 A. I don't like your

1 J. KANGANIS

2 characterization pulled. They reassigned
3 the personnel that were assigned to those
4 offices to street -- to other duties.

5 Q. Who made those decisions?

6 A. I'm not prepared to answer
7 that.

8 Q. Why did they make that
9 decision?

10 A. I can't answer that.

11 Q. When was that decision made?

12 A. I don't know the date. I can't
13 tell you the date that it was made.

14 Q. So you're not prepared to
15 answer that question?

16 MR. MARTS: Objection.

17 A. The date of the order, no, I'm
18 not prepared to answer that question.

19 Q. Isn't it true that district
20 attorney offices were only informed mere
21 hours after their public announcement that
22 the details would be reassigned out of
23 their offices?

24 MR. MARTS: Objection.

25 You can answer.

1 J. KANGANIS

2 A. I'm not prepared to answer. I
3 don't know when they were informed.

4 Q. I will show you what will be
5 Kanganis 8.

6 (Whereupon, the aforementioned
7 document was marked as Kanganis
8 Exhibit 8 for identification as of
9 this date by the Reporter.)

10 MS. BULL: This has the Bates
11 stamp DEF_000267108 through 111.

12 Q. Do you see the document on my
13 screen?

14 A. Yes.

15 Q. Have you seen this document
16 before?

17 A. Yes.

18 Q. When did you see this document?

19 A. Recently within the last week.

20 Q. And it's a New York Times
21 article dated June 15, 2020?

22 A. Yes.

23 Q. The first paragraph says, "A
24 few hours after the Manhattan district
25 attorney announced he would not prosecute

1 J. KANGANIS

2 those arrests, the police department sent
3 him a message that all the officers
4 assigned to his office would be pulled off
5 the job to help with crowd control";
6 correct?

7 MR. MARTS: Objection.

8 You can answer.

9 A. That's what it says.

10 Q. So do you dispute the accuracy
11 of that report?

12 MR. MARTS: Objection.

13 A. Other than the New York Times,
14 I have no other source as to when the order
15 was given.

16 I can tell you that as alleged
17 here, you know, the reason they were
18 redeployed was because there was a need for
19 the officers in the field.

20 If you remember, we had a
21 pandemic. We had unparalleled,
22 unprecedented civil address. We had a
23 20-percent sick rate of officers depleting
24 our ranks. And we pretty much had every
25 uniformed member of the service deployed in

1 J. KANGANIS

2 the field.

3 So there was a need in the
4 field for additional uniformed members of
5 the service.

6 I'm not relying on the New York
7 Times as a source, and you may want to. But
8 I can't tell you, you know, to answer your
9 questions other than what is in the
10 article. If you want to rely on it, fine.

11 I'm not relying on them as to
12 the timing or the reasoning for a
13 particular order of the police department.

14 Q. So what are you relying on in
15 your understanding of the reasoning for
16 that decision?

17 A. I'm relying on my own knowledge
18 that there was civil unrest, there was a
19 pandemic, it was a need for personnel in
20 the field, and everybody was deployed to
21 the street.

22 Q. And you don't know who made
23 that decision?

24 MR. MARTS: Objection.

25 A. No. As I stated earlier, I

1 J. KANGANIS

2 don't know who made the decision.

3 Q. So the NYPD decided to increase
4 enforcement of protests even as the
5 district attorney offices were announcing
6 that they were not prosecuting
7 protest-related arrests?

8 MR. MARTS: Objection to form.
9 You can answer.

10 A. There was a need in the field
11 not just for protests; there is also public
12 safety issues, 911 calls. There is a
13 general, you know, feeling of safety that
14 needs to be assured to the public.

15 So there were large protests.
16 There was a need to police the protests,
17 and there was a need to answer 911 calls as
18 we would in the regular course of business.

19 Q. And your understanding as to
20 that need to reassign those details, is
21 that based on your personal knowledge or as
22 your position here speaking for the City of
23 New York?

24 A. I'm speaking for the City of
25 New York, and I'm also telling you that

1 J. KANGANIS

2 there was the reasons I just enumerated,
3 that there was a reason that we needed
4 uniformed members of the service in the
5 field.

6 Q. And why was there a greater
7 need on the day of June 5, 2020 than there
8 was before June 5, 2020?

9 MR. MARTS: Objection.

10 You can answer.

11 A. I can just tell you that the
12 sick rate kept increasing; there was a
13 close to a 20-percent sick rate. I can't
14 say it was COVID, but COVID was raging
15 within the department. I had to deploy
16 most of my uniformed members of the service
17 from the Legal Bureau to the field.

18 The demonstrations were going
19 on at that point for nine, ten days, at
20 least a week. So there was a need for, as
21 I said, uniformed members in the field.

22 Q. And the reasons that you are
23 stating to be clear, is that the reasons
24 stated by the City of New York or by you
25 personally?

1 J. KANGANIS

2 MR. MARTS: Objection.

3 Asked and answered.

4 You can answer.

5 A. I'm here to speak for the City
6 of New York. But I'm telling you I had
7 personal knowledge as well as to the
8 reasons that not just these officers, all
9 uniformed members of the service were
10 deployed to the field.

11 Q. That's not really answering my
12 question. That's why I'm a little confused
13 because you are saying both. So I want to
14 know what is the answer of the City of New
15 York and --

16 A. The answer from the police
17 department is that all uniformed members of
18 the service including the officers you are
19 speaking about in the district attorney
20 offices were deployed to the field for
21 public safety.

22 Q. And speaking on behalf of the
23 City of New York, I will ask my question
24 again, so it's clear.

25 Why was there a specific need

1 J. KANGANIS

2 on June 5, 2020 to reassign details from
3 the district attorney offices?

4 MR. MARTS: Objection.

5 Asked and answered I believe
6 twice.

7 You can answer, Inspector.

8 A. I'm going to repeat myself.
9 There was a need in the field for uniformed
10 members of the service. That June 5th has
11 to be -- I mean this stuff -- these
12 demonstrations and the violence started May
13 28th and continued past June 5th.

14 I told you about, you know,
15 COVID, the pandemic, the large
16 demonstrations and in various locations.
17 There was a need for uniformed members of
18 the service to be in the field. It wasn't
19 just -- go ahead.

20 Q. So that need in the field did
21 not exist prior to June 5, 2020?

22 MR. MARTS: Objection.

23 A. It was a continuous need that
24 began I believe Thursday May 28th and
25 continued into early June.

1 J. KANGANIS

2 Q. Was there any other part of the
3 NYPD where other officers could have been
4 pulled from?

5 A. Listen, I think everybody at
6 one point was deployed to the street.

7 Q. How did district attorney
8 offices interpret learning that the NYPD
9 would be pulling or would be reassigning
10 their details outside of their offices?

11 A. I'm not prepared to answer your
12 question.

13 MR. MARTS: Please note my
14 objection to form and scope.

15 Q. I will show you what will be
16 marked Kanganis 9.

17 (Whereupon, the aforementioned
18 document was marked as Kanganis
19 Exhibit 9 for identification as of
20 this date by the Reporter.)

21 Q. I will scroll down. Let me
22 know when you've read it.

23 A. Okay.

24 Q. Have you seen this before?

25 A. No.

1 J. KANGANIS

2 Q. Does this appear to be e-mails
3 between Devora Kaye and other members of
4 the NYPD including Commissioner Shea?

5 MR. MARTS: Objection.

6 A. Devora Kaye to Chief Demor --
7 yes.

8 Q. Do you know, who is Devora
9 Kaye?

10 A. I believe she worked in the
11 office of the deputy commissioner of public
12 information.

13 Q. Do you see here at the bottom
14 of the screen the district attorney offices
15 are still saying this is in response to
16 their announcement about not prosecuting
17 from the arrests?

18 A. I see that.

19 Q. So the district attorney
20 offices interpreted the reassignment of the
21 details to be in response their
22 announcements; right?

23 MR. MARTS: Objection.

24 You can answer.

25 A. That's what it's saying.

1 J. KANGANIS

2 Q. Did the NYPD have conversations
3 with district attorney offices about this
4 decision?

5 MR. MARTS: Objection.

6 You can answer.

7 A. No.

8 Q. You are answering on behalf of
9 the City of New York that there was no
10 conversations between the district attorney
11 offices?

12 A. The conversations seem to be
13 between Kaye and the New York Times.
14 That's how I read it.

15 Q. Are you aware of any
16 conversations between the district
17 attorney's offices?

18 A. Is the question about
19 conversations between the NYPD and the
20 district attorney offices?

21 Q. So let me ask you differently.
22 Is it the position of the City
23 of New York that the New York Times was
24 lying that this was in response to the
25 announcement regarding prosecuting the

1 J. KANGANIS

2 arrests?

3 MR. MARTS: Objection to the
4 form of how the question is phrased.

5 A. I'm not prepared to answer the
6 question, so...

7 Q. Now, in the response that was
8 drafted by Ms. Kaye, it says that the NYPD
9 mobilized the entire department; correct?

10 A. Every single element of the
11 police department, yes.

12 Q. What other details were
13 reassigned at that time?

14 MR. MARTS: Objection.

15 A. It just says, "every element of
16 the police department."

17 Q. Did the details that had
18 previously been at the district attorney
19 offices eventually returned there?

20 A. Not prepared to answer it.

21 Q. But there is no promise in the
22 NYPD announcement that the district
23 attorney offices details would return at a
24 later time; correct?

25 A. In this particular e-mail? Go

1 J. KANGANIS

2 ahead, I'm sorry.

3 MR. MARTS: Please note my
4 objection.

5 You can answer, Inspector.

6 Q. Well, in this e-mail, there was
7 no promise that they --

8 A. No. I don't see one.

9 Q. Was there any other promise
10 that they would return at a later time that
11 was communicated?

12 A. Not prepared to answer.

13 MS. BULL: I'm going to be
14 moving on to a different topic, so we
15 could take a lunch break now or
16 later.

17 It's up to you.

18 MR. MARTS: Whatever works for
19 you. How do you want to do it? It's
20 up to you. If you want to take lunch
21 now, by all means.

22 MS. BULL: Why don't we take it
23 now. I think it's a good stopping
24 point.

25 (Whereupon, at 12:11 p.m., a

1 J. KANGANIS

2 lunch break was taken.

3 At 12:42 p.m., the deposition
4 resumed.)

5 Q. Deputy Inspector, I'm going to
6 move to some questions about the Civil
7 Complaint Review Board investigation.

8 So we understand the Civilian
9 Complaint Review Board is CCRB?

10 A. Yes.

11 Q. What legal authority governs
12 how the CCRB operates?

13 MR. MARTS: Objection.

14 Outside of scope.

15 You can answer.

16 A. The City Charter. I don't know
17 what section.

18 Q. Does section 440 of the City
19 Charter require the NYPD to cooperate with
20 CCRB investigations?

21 MR. MARTS: Objection.

22 You can answer.

23 A. Well, we cooperate. I'm not
24 sure of the section, but I know we
25 cooperate with CCRB.

1 J. KANGANIS

2 Q. Would something refresh your
3 recollection?

4 A. You want to put it on the
5 screen? I will read it.

6 MS. BULL: This will be marked
7 Kanganis 10.

8 (Whereupon, the aforementioned
9 document was marked as Kanganis
10 Exhibit 10 for identification as of
11 this date by the Reporter.)

12 Q. It says, "section 440, public
13 complaints against members of the police
14 department" at the top. Do you see that?

15 A. Yes, I do.

16 Q. Have you read this before?

17 A. I have read it, you know, years
18 ago I have read it, yes, or months ago. I
19 previously read it. I don't know when I
20 read it.

21 Q. So I will direct you to section
22 440 D1.

23 Does this section of the City
24 Charter require the NYPD to cooperate with
25 CCRB investigations?

1 J. KANGANIS

2 answer.

3 Q. You stated before that there is
4 an 18-month statute of limitation for a
5 CCRB investigation. What happens if the
6 CCRB cannot conclude their recommendation
7 by the end of the statute of limitations?

8 MR. MARTS: Objection.

9 Outside of the scope.

10 A. Not prepared to answer.

11 Q. What happens if the CCRB
12 submits a recommendation close to the
13 conclusion of the statute of limitations?

14 MR. MARTS: Objection.

15 Outside of the scope.

16 A. Not prepared to answer.

17 Q. Can the commissioner impose
18 training even after the statute of
19 limitation has passed?

20 MR. MARTS: Objection to the
21 scope.

22 A. Not prepared to answer that.

23 Q. Is it fair to say that the
24 delays caused by the factors that we
25 discussed from the CCRB resulted in a case

1 J. KANGANIS

2 being closed with no discipline imposed
3 even where it is clear that an officer was
4 guilty of the alleged misconduct?

5 MR. MARTS: Objection to form.

6 Outside of the scope.

7 A. I'm not prepared to answer your
8 question.

9 Q. I'm going to move on to talk
10 about the Department of Investigation and
11 Law Department investigations.

12 Did there come a time when
13 Mayor de Blasio ordered an independent
14 investigation into the enforcement actions
15 of the NYPD during the 2020 protests?

16 A. Yes.

17 Q. How did he do that?

18 A. Executive Order 58.

19 Q. Was that issued on June 20,
20 2020?

21 A. I believe that's the correct
22 date.

23 Q. What were the objectives of the
24 investigations?

25 A. Independent investigation into

1 J. KANGANIS

2 to be called into them in addition to a
3 report being done, but they -- they would
4 have received notice of officer injuries.

5 Q. Who gives notice to the medical
6 division about the injury?

7 A. It could be the police officer,
8 could be the supervisor.

9 MR. MARTS: Please note my
10 objection.

11 Outside of scope.

12 Q. Did NYPD do anything to ensure
13 that any officer injury that's reported to
14 the medical division is also reflected in a
15 TRI report?

16 A. I'm not prepared to answer
17 that.

18 Q. The DOI report also says that
19 records do not reliably capture the number
20 of injuries sustained by the protestors;
21 correct?

22 A. Yes.

23 Q. How does the NYPD collect data
24 on injuries reported by protesters?

25 MR. MARTS: Objection.

1 J. KANGANIS

2 Outside of the scope.

3 A. They'll tell you the TRI
4 report. It's a two-way street, records the
5 officers injuries and an injury to a
6 civilian.

7 Q. Any other place where that
8 would be recorded?

9 A. An aided report which is
10 anytime somebody is injured, not
11 necessarily as a result of police action,
12 would be recorded on there.

13 Q. And if a civilian reports to a
14 police officer or mentions that they are
15 injured, is an officer required to put that
16 information in a TRI report?

17 MR. MARTS: Objection.

18 Outside of the scope.

19 You can answer.

20 A. Not prepared to answer.

21 Q. I'm going to talk about the
22 last category of information that I
23 mentioned before which is interviews.

24 Are you aware of any documents
25 that list every individual that the

1 J. KANGANIS

2 Department of Investigation interviewed in
3 the course of their investigation?

4 A. A document that lists every --
5 no, I'm not aware.

6 Q. Do you have the information of
7 what individuals employed by the City of
8 New York were interviewed by the DOI?

9 MR. MARTS: Objection.

10 A. I do not have it with me.

11 Q. Do you have it somewhere?

12 A. I know that some people,
13 high-level people were interviewed.

14 I don't have a list of all
15 people interviewed anywhere.

16 Q. Was that record maintained by
17 anybody?

18 A. I can't answer that. I'm not
19 prepared to answer that.

20 If they made a request for
21 interviews, we recorded the request for
22 interviews and we went about securing the
23 notification. And they worked out the
24 specifics of when and where that person
25 would be interviewed.

1 J. KANGANIS

2 Q. Is there anyone who DOI
3 requested to interview from the NYPD who
4 they were unable to interview?

5 A. Yeah. Chief Pichardo.

6 Q. And why were they unable to
7 interview him?

8 A. He had retired, and he was no
9 longer in New York.

10 Q. And did he decline the
11 interview?

12 MR. MARTS: Objection.

13 A. Not prepared to answer.

14 An alternate person from that
15 command was provided or offered.

16 Q. Do you understand that he has
17 made himself available to be deposed in
18 this litigation?

19 MR. MARTS: Objection.

20 You can answer.

21 A. Not prepared to answer.

22 Q. Did the City of New York desire
23 to interview Chief Pichardo at the time DOI
24 was investigating?

25 MR. MARTS: Can you repeat the

1 J. KANGANIS

2 question?

3 MS. BULL: Did the City desire
4 to interview Chief Pichardo at the
5 time of this investigation.

6 MR. MARTS: Are you speaking
7 about DOI?

8 MS. BULL: I'm saying the City
9 of New York.

10 Q. But at the time that this
11 request was made.

12 A. DOI made the request. I'm not
13 aware of any other request to interview.

14 Q. Did at any point the City of
15 New York attempt to interview Chief
16 Pichardo in connection with the 2020
17 protests?

18 MR. MARTS: Objection.

19 A. Not prepared to answer.

20 Q. Was there anyone else who DOI
21 requested to interview but did not?

22 A. Pichardo is the one that I know
23 they requested and did not interview.
24 Other than him, I'm not aware of anybody
25 else.

1 J. KANGANIS

2 Q. The Law Department also
3 completed their report reviewing the
4 protests as directed by the Executive
5 Order; correct?

6 A. Yes.

7 Q. What, if anything, was
8 different in the document information and
9 witnesses reviewed by the Law Department
10 from what was reviewed by the DOI?

11 MR. MARTS: Objection.

12 You can answer.

13 A. Well, the Law Department, DOI
14 gave the documents we provided to them
15 including the interviews to the Law
16 Department. The Law Department focus was
17 more on the officer health and safety and
18 historical perspective regarding the NYPD's
19 response to prior large-scale protests.

20 Q. Did the Law Department conduct
21 any interview of any members of the NYPD
22 separate from the interviews conducted by
23 the DOI?

24 MR. MARTS: Objection to form.

25 I couldn't hear you.

1 J. KANGANIS

2 Q. Did the Law Department conduct
3 any interviews of any members of the NYPD
4 separate from the interviews conducted by
5 the DOI?

6 MR. MARTS: Objection to the
7 form of the question.

8 A. I don't recall any interviews
9 other than DOI investigators sharing their
10 interviews with high-level NYPD members
11 with the Law Department.

12 So the answer to your question
13 is no unless you can refresh my
14 recollection.

15 Q. I'm going to show you what will
16 be Kanganis 19.

17 (Whereupon, the aforementioned
18 document was marked as Kanganis
19 Exhibit 19 for identification as of
20 this date by the Reporter.)

21 MS. BULL: This has the Bates
22 stamp SOW001641 through 1695.

23 Q. Do you recognize this document?

24 A. Yes. That's the Law Department
25 report.

1 J. KANGANIS

2 Q. Page nine -- sorry.

3 A. That's all right.

4 Q. It says at the very end, "The
5 Law Department also reviewed DOI
6 interviewees with NYPD officers in this
7 report. All references to discussions with
8 NYPD are references to DOI's interviewees
9 with NYPD except where specified that it
10 was a Law Department interviewee."

11 A. Do they mean interviewees with
12 the NYPD or one of their people outside the
13 NYPD because I'm not aware of any
14 interviews other than the DOI interviewees?

15 Q. I read this sentence to mean
16 that there were Law Department interviewees
17 separate from DOI. Can you answer whether
18 there were any such interviewees?

19 A. Again, I'm going to say no. I
20 think they are referring to Professor
21 McGuire and all these other academics that
22 they went and spoke to.

23 Q. Are you aware of any documents
24 listing who the Law Department interviewed
25 in connection with this report?

1 J. KANGANIS

2 MR. MARTS: Objection.

3 Outside of the scope.

4 A. No.

5 Q. How did the Law Department and
6 DOI coordinate in creation of their
7 reports?

8 MR. MARTS: Objection.

9 A. Not prepared to answer.

10 MS. BULL: Can we take a
11 five-minute break?

12 (Whereupon, 4:01 p.m., a short
13 break was taken.

14 (At 4:10 p.m., the deposition
15 resumed.)

16 Q. What was the NYPD's response to
17 the published DOI and Law Department
18 reports?

19 A. We accepted the findings and
20 implemented the recommendations.

21 Q. Was that also the City of New
22 York's response?

23 A. Yes.

24 Q. Did Mayor de Blasio make any
25 public statements about the DOI report

1 J. KANGANIS

2 after it was completed?

3 A. I saw that video. Is that what
4 you are referring to?

5 Q. Yes, if that's a public
6 statement. Are you aware of any other
7 public statements?

8 A. No, I'm not.

9 Q. Did he make that statement
10 shortly after the release of the district
11 attorney report?

12 A. I believe he did. I'm not
13 certain of the date; but the way he was
14 speaking, it was around the same time.

15 Q. And in that statement, is it
16 correct that Mayor de Blasio stated that
17 both he and Commissioner Shea agree with
18 the report's analysis and recommendations?

19 A. Yes.

20 Q. And that they both agreed to
21 implement the recommendations right away?

22 A. Yes.

23 Q. Is that what he said?

24 A. Yes. I'm sorry, I said yes.

25 Q. Mayor de Blasio also said that

1 J. KANGANIS

2 he had remorse about what happened in the
3 protests in May and June and wishes he had
4 done better; correct?

5 A. Correct.

6 MR. MARTS: Objection.

7 You can answer.

8 A. Yes, that's what he said.

9 Q. Do you know what he meant by
10 that exactly?

11 MR. MARTS: Objection.

12 A. No. I can't -- I don't have
13 any basis to answer that.

14 Q. Who would we need to talk to to
15 determine what he meant?

16 MR. MARTS: Objection.

17 You can answer.

18 A. I think it's pretty clear what
19 he said and what he meant by the words he
20 used.

21 Q. I thought --

22 A. I don't have a name for you.

23 Q. Would we have to talk to Mayor
24 de Blasio to know what he meant?

25 MR. MARTS: Objection.

1 J. KANGANIS

2 A. I'm not prepared to answer
3 that.

4 Q. You are also not prepared to
5 answer what he meant; correct?

6 A. I understood what he said. It
7 was pretty clear to me.

8 Q. So what was he looking back on
9 with remorse?

10 MR. MARTS: Objection.

11 You can answer.

12 A. Decisions he made as the head
13 of the City.

14 Q. Which decisions?

15 A. Not prepared to answer.

16 Q. Who could answer that?

17 MR. MARTS: Objection.

18 A. I think I answered that. I
19 can't tell you. I'm not prepared to
20 answer. de Blasio made a statement. It
21 seems pretty clear. I can't interpret it
22 for you. I don't know who can.

23 Q. Could Mayor de Blasio answer
24 what decisions he was looking back on with
25 remorse?

1 J. KANGANIS

2 MR. MARTS: Objection.

3 That's speculation.

4 A. I'm not prepared to answer your
5 question about Mayor de Blasio.

6 Q. What has the City and NYPD done
7 to implement the recommendations of the DOI
8 and Corporation Counsel reports?

9 A. A team was put together of
10 different representatives from different
11 bureaus. And they went through the
12 recommendations, and they took action on
13 all.

14 But I think the last time I
15 looked one was still pending, putting in
16 the plan to consolidate commission to
17 combat police corruption and Inspector
18 General taking it out of DOI and putting it
19 under CCRB.

20 Q. Who made the decision that the
21 City would accept and implement those
22 recommendations?

23 A. For the NYPD, it was
24 Commissioner Shea.

25 Q. And for the City of New York?

1 J. KANGANIS

2 A. Mayor de Blasio.

3 Q. And who was part of the team
4 that you said was implementing the
5 recommendations?

6 A. I don't have identities. I can
7 tell you there was a team of
8 representatives from Strategic Initiatives
9 Bureau, the Legal Bureau, and different
10 commands that were specific to particular
11 recommendations. If it was training, it
12 would be Training Bureau representative, et
13 cetera.

14 Q. Are you prepared to answer
15 exactly who was part of the team?

16 A. No, I'm not prepared to answer.

17 MR. MARTS: Please note my
18 objection for the record.

19 Asked and answered.

20 Q. I'm going to show you what will
21 be marked Kanganis 20.

22 (Whereupon, the aforementioned
23 document was marked as Kanganis
24 Exhibit 20 for identification as of
25 this date by the Reporter.)

1 J. KANGANIS

2 Q. It says, "Mass Demonstrations
3 Response Recommendations Tracker" on the
4 top; is that right?

5 A. Correct.

6 MS. BULL: I will just say for
7 the record that this is the document
8 that was publicly available on the
9 NYPD website.

10 Q. Is this the tracker document
11 that you've referenced before in this
12 testimony?

13 A. Yes, it is.

14 Q. Does this contain all of the
15 recommendations from the DOI and Law
16 Department reports?

17 A. It's supposed to.

18 I see you have one of four. If
19 it's the complete document, then yes, it
20 does.

21 Q. Who was responsible for writing
22 this document?

23 A. Not prepared to answer.

24 Q. Does this document accurately
25 describe all the steps that NYPD has taken

1 J. KANGANIS

2 to implement the reports recommendations?

3 A. Yes.

4 Q. And the date of this document
5 is December 22, 2021; correct?

6 A. Correct.

7 Q. Does this reflect the final
8 version of this tracking document?

9 A. I'm not prepared to answer
10 that.

11 Q. As you said before, every
12 column says complete as status. I think
13 you said that 21A is the only one that says
14 in progress; is that what you meant before?

15 A. Yes.

16 MR. MARTS: My apologies.

17 Could you zoom in a little bit
18 because the font is really small and
19 I'm having difficulty?

20 Q. When I ask you a specific
21 question, I will zoom in.

22 MR. MARTS: Thank you.

23 Q. Were the DOI and Law Department
24 consulted in the implementation of the
25 recommendations?

1 J. KANGANIS

2 A. Not prepared to answer. There
3 were meetings with DOI regarding the
4 progress of implementation.

5 Q. Who were part of those
6 meetings?

7 A. I was part of those meetings
8 and Arturo Sanchez, and I believe the
9 general counsel of DOI was part of those
10 meetings.

11 Q. Who is Arturo Sanchez?

12 A. He was the point of contact,
13 lead investigator with the DOI
14 investigation.

15 Q. Anyone else was part of those
16 meetings?

17 MR. MARTS: Objection.

18 Asked and answered.

19 A. Not that I can recall.

20 Q. How many meetings did you have?

21 A. I recall two face-to-face
22 meetings and a couple of telephone calls.

23 Q. What was discussed during those
24 meetings?

25 A. Where we were in

1 J. KANGANIS

2 implementation, what steps we still needed
3 to do, and when we expected to have
4 completed their recommendations.

5 Q. Did the Law Department
6 participate in any of those meetings?

7 A. No.

8 Q. Were there separate meetings
9 with the Law Department?

10 A. No.

11 Q. Did DOI ever express in any
12 communications, whether in those meetings
13 or separate, reservations about the ways
14 that the NYPD was implementing the
15 recommendations?

16 MR. MARTS: Objection to form.
17 You can answer.

18 A. No.

19 Q. Were there any disagreements
20 between DOI and NYPD about how best to
21 implement the recommendations?

22 A. No.

23 MR. MARTS: Please note my
24 objection for the record.

25 Q. Are those meetings ongoing?

1 J. KANGANIS

2 A. Not prepared to answer.

3 Q. When was the last meeting that
4 you were aware of?

5 A. Early 2022.

6 Q. Are you aware if there were any
7 other meetings after that?

8 A. Not prepared to answer. I'm
9 not aware.

10 Q. I'm going to ask you about a
11 few of these. Let's focus on number two.
12 And I'm going to just look at the progress
13 proposed next steps.

14 It says, "the citywide event
15 planning and coordination section was
16 created." What is that?

17 A. It's a command to do exactly
18 what it says. It's going to coordinate a
19 planning and strategy to respond to large
20 protests.

21 Q. Is it currently in operation?

22 A. I believe it is, but I'm not
23 prepared to answer it. It's complete.

24 Q. What do you mean by complete?

25 A. Meaning the recommendation is

1 J. KANGANIS

2 complete. It was implemented, so they
3 should be in existence even now
4 continuously.

5 Q. Do you have any independent
6 knowledge about the citywide event planning
7 and coordination section that is not based
8 on this document?

9 A. No.

10 Q. How is the citywide event
11 planning and coordination section
12 organized?

13 A. Not prepared to answer.

14 Q. How many members does it have?

15 A. Not prepared to answer.

16 Q. Who leads it?

17 A. Not prepared to answer.

18 Q. What are its responsibilities?

19 A. Well, the responsibilities to
20 coordinate and plan and strategize a
21 response to large protests, that would be
22 its mission.

23 Q. How is it governed?

24 MR. MARTS: Note my objection.

25 A. Not prepared to answer.

1 J. KANGANIS

2 Q. What is its relationship to the
3 Strategic Response Group?

4 A. Not prepared to answer.

5 Q. Has it been involved in
6 coordinating, planning, and strategy for
7 any protests?

8 MR. MARTS: Objection.

9 A. Not prepared to answer that
10 question.

11 Q. Let's go to the highlighted
12 column directly below for number three.

13 The recommendation here,
14 "reevaluate the role of Strategic Response
15 Group and Disorder Control Unit", so is it
16 accurate that the steps that the City has
17 taken to implement that recommendation is
18 reevaluating the role of the Strategic
19 Response Group and Disorder Control Unit?

20 A. That's correct.

21 Q. How has it recalibrated their
22 use?

23 A. The Patrol Guide procedure
24 mentioned in number one mentions their use.
25 I think that's 2/13/20, I believe.

1 J. KANGANIS

2 Q. What does it say about --

3 A. Not prepared to answer the
4 question.

5 Q. In what situations following
6 this implementation will the Strategic
7 Response Group and Disorder Control Unit be
8 assigned to protests?

9 MR. MARTS: Objection.

10 Outside the scope.

11 You can answer.

12 A. I'm not prepared to answer your
13 question.

14 Q. I'm going to show you what will
15 be marked Kanganis 21.

16 (Whereupon, the aforementioned
17 document was marked as Kanganis
18 Exhibit 21 for identification as of
19 this date by the Reporter.)

20 MS. BULL: This has a Bates
21 stamp DEF_00004055524 and ending on
22 543.

23 Q. I will just scroll through
24 this, but let me know if you recognize this
25 document.

1 J. KANGANIS

2 A. I don't recognize the document
3 yet.

4 Q. Nothing?

5 A. No. I don't recognize it.

6 Q. Do you recognize what type of a
7 document this is?

8 A. Yes. That's a communication
9 cover sheet from the deputy commissioner on
10 legal matters, and the rest of it was the
11 series of internal memorandums.

12 Q. Just looking at page five, this
13 memo, it purports to respond to the DOI
14 report's recommendation to reevaluate the
15 role of Strategic Response Group and
16 Disorder Control Unit in response to large
17 protests; right?

18 A. Yes.

19 Q. Let me give you a chance to
20 read the draft interim order starting on
21 page six.

22 A. Okay, I have read it.

23 Q. Here on page ten, is it
24 accurate that it states that the mission,
25 function, and staffing of SRG will be

1 J. KANGANIS

2 maintained?

3 MR. MARTS: Objection.

4 You can answer.

5 A. Yes.

6 Q. But it will no longer play a
7 central role in response to protests
8 because it's now under the coordination
9 and --

10 MR. MARTS: Objection.

11 A. That's what it says.

12 Q. Page six, looking at this
13 document on page six which says, "one of
14 two draft interim order," is it accurate
15 that all this order does is change the name
16 from Disorder Control Unit to Crowd
17 Management Unit?

18 MR. MARTS: Objection.

19 A. Can I see Appendix A, the next
20 page, because I don't know if they moved it
21 somewhere?

22 I see the name change. I don't
23 know where it was prior to that. But if it
24 was under Strategic Response Group, then
25 the answer to your question is yes.

1 J. KANGANIS

2 Q. Are you prepared to answer
3 today any other way that the NYPD has
4 reevaluated the role of the SRG and
5 Disorder Control Unit?

6 A. No, not prepared.

7 MR. MARTS: Please note my
8 objection to the scope to the
9 previous question. Thank you.

10 Q. I'm going to go back to
11 Kanganis 20.

12 Looking at number four,
13 recommendation, document reasons and
14 authority for deploying SRG, discon, and
15 other specialized unit. It says, "The
16 department currently documents the need for
17 deploying specialized unit after every
18 event for which such units have been
19 deployed"; right?

20 A. Yes.

21 Q. Has there been any change to
22 the department policy as a result of this
23 recommendation?

24 A. I'm not prepared to answer that
25 question.

1 J. KANGANIS

2 Q. The policies listed here, are
3 they all contained in Patrol Guide guide
4 section 22107?

5 A. What was the section, please?

6 Q. 22107.

7 A. I'm not familiar with that
8 number, no.

9 Q. So where are the policies that
10 are referenced here?

11 A. I believe I mentioned it
12 earlier. There is a new Patrol Guide
13 procedure regarding response to First
14 Amendment activities. I thought it was
15 21310, but that's the title "Response to
16 First Amendment Activities".

17 Q. And is it published in full on
18 the NYPD website?

19 A. It should be. I think it was
20 published and open to comments from the
21 public and stockholders. And their
22 feedback was considered and some cases
23 included prior to publishing the order the
24 Patrol Guide procedure.

25 Q. There is only one section in

1 J. KANGANIS

2 the Patrol Guide called "Response to First
3 Amendment Activities"?

4 MR. MARTS: Please note my
5 objection.

6 You can answer.

7 A. That's what I believe. Yes.

8 Q. Are these policies referenced
9 here memorialized anywhere else?

10 MR. MARTS: Objection.

11 A. I'm not prepared to answer your
12 question.

13 Q. I'm going to go to number
14 seven. The recommendation is expand
15 training and policy to differentiate
16 between violent and peaceful protesters.
17 It says, "NYPD has completed an assessment
18 of existing training curricular." When was
19 that assessment conducted?

20 A. I can't answer your question.
21 I'm not prepared to answer as to when.

22 Q. What community partners were
23 provided feedback?

24 A. Not prepared to answer.

25 Q. Is this assessment anywhere in

1 J. KANGANIS

2 writing?

3 MR. MARTS: Objection.

4 A. I'm not prepared to answer your
5 question.

6 Q. Is feedback from community
7 partners contained anywhere in writing?

8 A. I'm not prepared to answer that
9 question.

10 Q. Let's go to number eight.
11 Recommendation is standardize internal
12 communications regarding protests. It
13 says, "The NYPD has developed guidelines
14 and instruction on appropriate enforcement
15 actions at the scene of protests."

16 When were these guidelines and
17 instructions developed?

18 MR. MARTS: Objection.

19 You can answer.

20 A. I believe they were developed
21 and published in the order referenced
22 earlier, 9/10/21.

23 Q. 9/10/21 is the date?

24 A. Yeah, that's the date.

25 I don't remember if it was

1 J. KANGANIS

2 21310, but the First Amendment procedure we
3 were speaking about.

4 Q. So it's contained in the Patrol
5 Guide section?

6 A. It's my recollection, yeah.

7 Q. Is it memorialized anywhere
8 else?

9 A. Not prepared to answer.

10 Q. And who developed these
11 guidelines and instructions?

12 MR. MARTS: Objection.

13 A. Not prepared to answer.

14 Q. Okay. Looking at number nine
15 and ten regarding the LRAD, it says that
16 the practice of playing the LRAD warning
17 three times has already been put into
18 practice. Is that new? When was that
19 policy made?

20 A. Not prepared to answer when.

21 Q. When is it memorialized?

22 A. I believe it is in the
23 procedure we have been discussing, the
24 First Amendment procedure.

25 Q. So just in the Patrol Guide?

1 J. KANGANIS

2 A. Yes.

3 Q. Is this practice a change from
4 the practice that was in place during the
5 2020 protests?

6 MR. MARTS: Objection.

7 A. Not prepared to answer.

8 Q. Going down to number 14 through
9 17, these are all recommendations related
10 to community affairs officers; right?

11 A. Yes.

12 Q. Where has NYPD memorialized the
13 new procedures that are referenced here?

14 A. They would be in the Patrol
15 Guide. But I can't give you the number, a
16 guide in the patrol procedure number.

17 Q. So you're not prepared to
18 answer where exactly --

19 A. Correct.

20 Q. Down to 21A, this is the one
21 that you said before is still in progress.

22 What is the current status of
23 the plan to consolidate the commission to
24 combat police corruption and Office of the
25 Inspector General under CCRB?

1 J. KANGANIS

2 A. Not prepared to answer.

3 Q. The recommendation under that
4 relates to designating a senior executive
5 to liaison with civilian oversight
6 agencies?

7 A. Yes.

8 Q. When was the commissioner of
9 legal matters appointed to provide --

10 A. I'm going to guess 2021. I
11 can't even see the implementation date on
12 the spreadsheet. It was shortly after --
13 it was an easy recommendation to implement.

14 Q. Why do you say it was easy?

15 A. Because the Legal Bureau is
16 under the deputy commission of legal
17 matters. And we were just completing our
18 mission to provide them with the documents
19 and information they requested, so it was
20 already set up.

21 Q. Didn't you say earlier that the
22 provision of records other than body-worn
23 camera was under the auspices of the IAB
24 and not the Legal Bureau?

25 A. Yes, I did. But we had a team

1 J. KANGANIS

2 in place to respond to outside entities, so
3 it was just a continuation. It was a
4 natural progression. It wasn't a difficult
5 recommendation to implement.

6 Q. So are requests for documents
7 and records now sent to the Legal Bureau
8 instead of the IAB CCRB liaison?

9 A. There was a reorganization.
10 That's what should be going on. So I can't
11 -- I'm not prepared to say what's going on
12 today, but personnel were moved around so
13 that the document piece was put under
14 deputy commissioner of legal matters.

15 Q. How many people are assigned
16 under the deputy commissioner of legal
17 matters to that role?

18 MR. MARTS: Objection.

19 Outside of the scope.

20 A. I can't give you a count. I'm
21 not prepared to answer.

22 Q. Number 23, recommendation,
23 institute regular after-action reviews.
24 What is this formal process of conducting
25 after-action reviews that has been

1 J. KANGANIS

2 established?

3 A. I'm not prepared to answer your
4 question.

5 Q. When was that process of
6 conducting the after-action reviews
7 established?

8 A. Not prepared to answer.

9 Q. Who was responsible for
10 conducting the after-action reviews in this
11 process?

12 MR. MARTS: Objection.

13 Outside of the scope.

14 A. Not prepared to answer.

15 Q. Where is it memorialized what
16 this process is?

17 A. Not prepared to answer.

18 Q. Number 24, it says, "The NYPD
19 is reviewing ways in which the community
20 can provide input on policies." Did that
21 review take place?

22 A. There is a -- it's posted
23 online, and feedback is received and
24 considered for policy changes.

25 Q. What is posted online?

1 J. KANGANIS

2 A. Any proposed procedural
3 changes, policy changes.

4 Q. Meaning Patrol Guide changes?

5 A. That's one example. Like the
6 First Amendment procedure we spoke about
7 earlier, that was posted online; and
8 comments were received.

9 Q. Are there any other documents
10 or types of policies that would be posted
11 online?

12 MR. MARTS: Objection.
13 Outside the scope.

14 A. No. Not prepared to answer.

15 Q. Following this review, did the
16 NYPD decide to incorporate community input
17 into after-action reviews?

18 A. Yes.

19 Q. How?

20 A. Not prepared to answer.

21 Q. Where is it memorialized that
22 community input is part of after-action
23 reviews?

24 MR. MARTS: Objection.
25 Outside the scope.

1 J. KANGANIS

2 You can answer.

3 A. Not prepared to answer.

4 Q. 25, community input in protest
5 planning was recommendation number 25. It
6 says that NYPD regularly incorporates
7 community input in event planning. Is that
8 a change from the policy that was in place
9 in 2020?

10 A. Not prepared to answer.

11 Q. How will planning for protests
12 incorporate community input following the
13 implementation of this recommendation?

14 MR. MARTS: Objection.

15 A. Not prepared to answer.

16 Q. It says, "memorialization in
17 relevant procedures is in progress." Is
18 that memorialization complete?

19 A. It says it is complete.

20 Q. Where is it memorialized?

21 A. I'm not prepared to answer your
22 question.

23 Q. Recommendation number 30, work
24 with DAs to plan for First Amendment
25 events. It says that the Legal Bureau and

1 J. KANGANIS

2 the Criminal Justice Bureau have
3 established channels of communication with
4 the district attorney's offices before,
5 during, and after protests.

6 How, if at all, did these
7 channels of communications differ from the
8 channels of communication that were in
9 place during the 2020 protests?

10 A. Not prepared to answer --

11 MR. MARTS: Note my objection.
12 Scope.

13 A. Not prepared to answer.

14 Q. Is the memorialization of those
15 communications channels complete?

16 A. The document says it is
17 complete; but other than that, I'm not
18 prepared to answer.

19 Q. Is it memorialized?

20 A. Not prepared to answer.

21 Q. Number 31, reform
22 implementation team, is this the team you
23 were talking about before?

24 A. Yes.

25 Q. What records did that team

1 J. KANGANIS

2 maintain, if any?

3 MR. MARTS: Objection.

4 Outside of the scope.

5 A. Not prepared to answer.

6 Q. Is there anything this team has
7 done that is not described in this
8 document?

9 MR. MARTS: Objection.

10 Outside of the scope.

11 A. Not prepared to answer.

12 Q. You were a member of that team?

13 A. No, I was not a member of the
14 team.

15 Q. I'm going to move on.

16 Let's talk about the Attorney
17 General's report.

18 Did there come a time when the
19 NYPD and the City of New York learned that
20 governor could have directed the New York
21 State Attorney General to investigate
22 interactions between NYPD and the public
23 during the 2020 protests?

24 A. There came a time when the AG
25 opened investigation, yes.

1 J. KANGANIS

2 Q. Was the AG's investigation
3 pursuant to the direction by Governor
4 Cuomo?

5 A. I don't know the source of the
6 authority, but I know there was an
7 investigation.

8 Q. Is it correct that the OAG
9 submitted several requests for documents
10 and information to the NYPD beginning in
11 early June 2020?

12 A. Yes.

13 MR. MARTS: Please note my
14 objection to the form.

15 Q. How did the NYPD respond to
16 those requests?

17 A. The team, I discussed earlier,
18 they dealt with DOI and dealt with the Law
19 Department, also dealt with OAG.

20 Q. And that team was responsible
21 for furnishing the information to the OAG?

22 A. Yes.

23 Q. And were they responsible for
24 collecting the information from within the
25 agency?

1 J. KANGANIS

2 A. The same protocols were
3 followed. We sent out requests for
4 information, got them back, made sure we
5 got what we asked for and forwarded them to
6 the OAG.

7 Q. Was there any difference in the
8 way NYPD managed requests for documents and
9 information from OAG as opposed to DOI and
10 the Law Department?

11 A. No.

12 Q. How were overlapping requests
13 for documents and information managed?

14 MR. MARTS: Objection.
15 Form.

16 A. We made multiple copies. If we
17 were overlapping, we made two or three
18 copies, whatever was appropriate, and
19 delivered them.

20 Q. Did there come a time when the
21 OAG requested interviews with members of
22 the NYPD?

23 A. I know they interviewed
24 Commissioner Shea. I don't remember if
25 they requested interviews of any other

1 J. KANGANIS

2 high-level executives, but they did
3 interview Commissioner Shea.

4 Q. I'm going to show you what will
5 be Kanganis 22. This is going to be marked
6 Kanganis 22. It has a Bates stamp
7 DEF_0000405667 ending in 671.

8 (Whereupon, the aforementioned
9 document was marked as Kanganis
10 Exhibit 22 for identification as of
11 this date by the Reporter.)

12 Q. Do you recognize this document?

13 A. That's a communication cover
14 sheet for deputy commissioner of legal
15 matters.

16 Q. Have you seen it before?

17 A. This particular one I don't
18 recall seeing before.

19 Q. Let me go down to page three.
20 Have you seen this before?

21 A. I don't remember seeing this
22 before, but it's from Chief Clark I
23 believe. And we had a few communications
24 with Chief Clark.

25 Q. So this is a letter from the

1 J. KANGANIS

2 chief of the Civil Rights Bureau office of
3 June 18, 2020; correct?

4 A. Yes.

5 Q. Page five, there is a list of
6 individuals that the OAG was requesting to
7 interview; correct?

8 A. Yes.

9 Q. Does this refresh your
10 recollection whether --

11 A. Well, they obviously did based
12 on this letter. It doesn't refresh my
13 recollection, but I still don't remember
14 anybody other than Chief Shea being
15 interviewed; but I may be wrong.

16 Q. When you referenced the
17 interview with Chief Shea, are you
18 referencing to when you testified before
19 the OAG's public hearing?

20 A. Yes.

21 Q. Are you aware of any interviews
22 that took place outside of that public
23 hearing with members of the NYPD?

24 A. And the AG?

25 Q. And the Attorney General's

1 J. KANGANIS

2 Office, yes.

3 A. I'm not aware of any. I might
4 be confusing them with DOI interviews.

5 But to answer your question,
6 no.

7 Q. I'm going to show you another
8 exhibit. This will be Kanganis 23, Bates
9 stamp DEF_000405663.

10 (Whereupon, the aforementioned
11 document was marked as Kanganis
12 Exhibit 23 for identification as of
13 this date by the Reporter.)

14 Q. It ends in 666. Do you
15 recognize this document?

16 A. I don't recognize it.

17 Q. Does this appear to be a letter
18 from the deputy commissioner of legal
19 matters to Chief Clark regarding the
20 request to interview?

21 A. Yes.

22 Q. Does it refresh your
23 recollection about whether or not the NYPD
24 consented to have members of the department
25 interviewed by the Attorney General's

1 J. KANGANIS

2 Office?

3 A. Can I read a little more,
4 please?

5 Yes, it refreshes my
6 recollection.

7 Q. What do you recall?

8 A. The OAG wanted to interview
9 those executives. But when they issued the
10 interim report, attorney general referenced
11 us for criminal sanctions or charges. And
12 that chilled the environment regarding
13 providing the witnesses unless they could
14 give assurances that there would be no
15 criminal charges.

16 Q. Did the OAG following this
17 letter provide assurances that any
18 statements would not be used in a criminal
19 proceeding?

20 A. I don't believe they did.

21 Q. Are you sure that that
22 assurance was not provided?

23 MR. MARTS: Objection.

24 A. I'm not sure. I'm just saying
25 I don't recall an assurance from the OAG

1 J. KANGANIS

2 regarding a guarantee that they would not
3 pursue criminal charges.

4 Q. Are you prepared to answer any
5 questions about communications subsequent
6 to this letter between OAG and the NYPD
7 about interviews?

8 A. At this moment, no. If you
9 want to show me some letters, they might
10 refresh my recollection. But to remember
11 the issue...

12 Q. In the course of their
13 investigation, did the OAG share
14 information about complaints that they had
15 received from members of the public?

16 A. They would ask us for documents
17 specific to certain incidents. They
18 wouldn't always say why they needed them.

19 So the answer to your question
20 is no, they didn't always provide
21 information about complaints from the
22 public. But that's what they were doing.
23 They were investigating incidents, and they
24 needed documentation to support the
25 investigation.

1 J. KANGANIS

2 Q. But your answer said they
3 didn't always. Did they ever?

4 A. If they had a conversation with
5 them, we might ask them why they needed
6 something. But, you know, I'm -- I can't
7 say it was -- did they ever? Yes, they
8 did. But I can't recall specifically an
9 incident where they did.

10 Q. Did any request for
11 documentations about any specific
12 complaints they had received trigger any
13 action by the NYPD?

14 MR. MARTS: Objection.
15 You can answer.

16 A. I don't understand the question
17 really. What --

18 Q. Did the NYPD open any internal
19 investigations into complaints that they
20 learned about through conversations with
21 the OAG?

22 MR. MARTS: Objection.

23 A. Not prepared to answer.

24 MR. MARTS: My apologies. Just
25 for the record, object to the scope.

1 J. KANGANIS

2 A. Not prepared to answer.

3 Q. Attorney General James also
4 called public hearings during the course of
5 her investigation; right?

6 A. Yes.

7 Q. On this June 17th, 18th, and
8 22nd?

9 A. If those were the dates, I
10 don't know; but yes.

11 Q. And the hearing was
12 live-streamed?

13 A. Yes.

14 Q. What, if anything, did the City
15 of New York do to track what was said
16 during the hearings?

17 MR. MARTS: Objection.

18 Outside of the scope.

19 A. I'm not prepared to answer
20 that.

21 Q. I'm going to show you what will
22 be marked Kanganis 24. It has Bates stamp
23 DEF_E_PD_ 00073644 through 645.

24 (Whereupon, the aforementioned
25 document was marked as Kanganis

1 J. KANGANIS

2 Exhibit 24 for identification as of
3 this date by the Reporter.)

4 Q. I'm going to give you a chance
5 to look at this. Let me know when you are
6 ready.

7 A. Okay, I have read it.

8 Q. Have you seen this before?

9 A. No.

10 Q. It appears to be an e-mail from
11 Oleg Chernyavsky --

12 A. Yes.

13 Q. -- dated June 19, 2020; right?

14 A. Yes.

15 Q. And it is addressed to
16 Commissioner Shea among other executives?

17 A. Yes.

18 Q. It summarizes the issues that
19 were raised during the AG's hearings?

20 A. Yes.

21 Q. What was the purpose of this
22 summary?

23 A. Not prepared to answer.

24 Q. What, if anything, was done in
25 response to the information that was

1 J. KANGANIS

2 collected?

3 A. Again, I'm not prepared to
4 answer.

5 This is the first time I'm
6 seeing this.

7 Q. The attorney general also
8 posted written testimony that was submitted
9 during the hearing on her website; correct?

10 A. I didn't see it. But if you
11 say it's there, I will take your word for
12 it.

13 Q. Did anyone at the NYPD or the
14 City of New York direct any individuals to
15 read the written testimony?

16 MR. MARTS: Objection.
17 Form.

18 A. Not prepared to answer.

19 Q. Did the City of New York take
20 any action in response to information
21 collected during the Attorney General's
22 hearings?

23 MR. MARTS: Objection to form
24 and scope.

25 A. Not prepared to answer.

1 J. KANGANIS

2 Q. Did NYPD open any internal
3 investigations as a result of testimony in
4 the AG hearings?

5 MR. MARTS: Objection to the
6 scope.

7 A. Not prepared to answer.

8 Q. Did the hearings testimony
9 influence the NYPD's response to the
10 protests in any way?

11 A. Not prepared to answer.

12 Q. Following the hearings, did the
13 AG publish a preliminary report on her
14 office's findings?

15 A. Yes.

16 Q. Was that in July 2020?

17 A. I believe so.

18 Q. Was anyone within the NYPD or
19 the City of New York directed to review the
20 preliminary report?

21 A. Not prepared to answer.

22 Q. Did the NYPD or the City of New
23 York take any action in response to the
24 information contained within the
25 preliminary report?

1 J. KANGANIS

2 A. Not prepared to answer.

3 Q. Specifically, did the NYPD
4 consider the recommendations contained
5 within the report?

6 A. Not prepared to answer your
7 question.

8 Q. What, if anything, was done in
9 response to the recommendations in the AG's
10 preliminary report?

11 A. Again, I'm not prepared to
12 answer your question.

13 Q. After receiving requests for
14 information from the Attorney General's
15 Office, Corporation Counsel, and DOI, did
16 the NYPD take any steps to ensure that
17 records were preserved in anticipation of
18 future litigation?

19 MR. MARTS: Objection.

20 Outside of the scope.

21 A. Preservation notices were sent
22 out.

23 Q. And who was responsible for
24 that?

25 MR. MARTS: Objection.

1 J. KANGANIS

2 Outside of the scope of the
3 topics.

4 A. Not prepared to answer.

5 Q. When were preservation notices
6 sent out?

7 MR. MARTS: Objection.

8 Outside of the scope of the
9 topics.

10 A. I'm not prepared to answer.

11 Q. How were the preservation
12 notices communicated?

13 MR. MARTS: Objection.

14 Outside the scope of the
15 topics.

16 A. I'm not prepared to answer.

17 Q. I'm going to show you what will
18 be marked Kanganis 25. This has a Bates
19 stamp DEF_000173545 through 546.

20 (Whereupon, the aforementioned
21 document was marked as Kanganis
22 Exhibit 25 for identification as of
23 this date by the Reporter.)

24 Q. Do you recognize this document?

25 A. If you scroll down, I might be

1 J. KANGANIS

2 able to. Yes.

3 Q. What is this document?

4 A. It is a preservation notice
5 with my signature on it.

6 Q. It's dated June 22, 2020?

7 A. I can't see the top. Yes.

8 Q. To whom was this sent?

9 A. The commanding officer,
10 Technical Assistance Response Unit.

11 Q. Was a similar preservation
12 notice sent to anyone other than the
13 Technical Assistance Response Unit?

14 MR. MARTS: Objection.
15 Outside of the scope.

16 A. There were additional
17 preservation notices sent, but I can't tell
18 you to whom.

19 Q. Is that because you can't
20 recall or you're not prepared to answer
21 that question?

22 A. Well, I really can't recall the
23 destination of these memos.

24 Q. What triggered this
25 preservation notice going out?

1 J. KANGANIS

2 MR. MARTS: Objection.

3 Outside of the scope.

4 A. It says, "anticipated
5 litigation against the City and the
6 department," so that's what triggered it.

7 Q. What made the department
8 anticipate litigation?

9 MR. MARTS: Objection.
10 Outside of the scope of the
11 topics.

12 A. I'm not prepared to answer.

13 Q. Did you or anyone else in this
14 department send any other preservation
15 notices earlier during the period of the
16 protests?

17 MR. MARTS: Objection.
18 Outside of the scope of topics.

19 A. Not prepared to answer.

20 Q. Did you or anyone else in the
21 department send any other preservation
22 notices after June 22, 2020 during the
23 period of the protests?

24 MR. MARTS: Objection.

25 Outside of the scope.

1 J. KANGANIS

2 A. I'm not prepared to answer your
3 question.

4 Q. I'm going to return to some
5 policy and procedure questions related to
6 the topic of the NYPD's coordination with
7 local district attorney's offices.

8 At the time of the 2020
9 protests, how did the NYPD handle requests
10 by a local district attorney's office for
11 materials or information related to any
12 investigation into a member of service?

13 MR. MARTS: Objection.

14 Outside the scope.

15 A. I'm not prepared to answer.
16 I'm not aware of any investigations that
17 you just mentioned.

18 Q. How would the procedure for
19 handling requests by the district attorney
20 office related to an investigation into a
21 member of service differ from the procedure
22 that they might follow for any other
23 arrest?

24 MR. MARTS: Objection.

25 A. I'm not prepared to answer

1 J. KANGANIS

2 that.

3 Q. What was the procedure when a
4 District Attorney's Office requested an
5 interview with a member of service related
6 to an investigation into any member of
7 service?

8 MR. MARTS: Objection to the
9 scope.

10 You can answer.

11 A. Not prepared to answer.

12 Q. Who would be responsible for
13 handling those requests?

14 A. Not prepared to answer.

15 Q. How would those requests be
16 communicated to the officer?

17 MR. MARTS: Objection.

18 You can answer.

19 A. Listen, any request,
20 notification is sent to the officer. So
21 that's the answer to the question. How
22 were they notified, a formal notification
23 is generated.

24 Q. Where is that notification
25 generated?

1 J. KANGANIS

2 A. There is a computer system that
3 sends a notice to the command, and the
4 command serves it on the officer. I can't
5 tell you the name of it.

6 Q. Would the member of service be
7 required to cooperate in any request for
8 interview by the district attorney office?

9 MR. MARTS: Objection.
10 Outside the scope.

11 A. Not prepared to answer.

12 Q. Were any formal notifications,
13 in fact, generated in response to requests
14 to interview a member of service from the
15 district attorney office?

16 MR. MARTS: Objection.
17 Outside of the scope.

18 A. Not prepared to answer.

19 Q. What would happen if a member
20 of service failed to cooperate with a
21 request for an interview?

22 A. By the district attorney's
23 office?

24 Q. Yes.

25 A. You are saying they are not

1 J. KANGANIS

2 complying with the notification, or you're
3 talking about something else?

4 Q. What would happen if they
5 failed to cooperate with a request to be
6 interviewed by a district attorney's
7 office?

8 A. Not prepared to answer.

9 Q. If a district attorney's office
10 had any requests related to investigation
11 into a member of service related to the
12 protests, who would be responsible to
13 answer them?

14 MR. MARTS: Objection.

15 Outside of the scope of the
16 topics.

17 A. Not prepared to answer.

18 Q. At the time of the 2020
19 protests, was there any relevant written
20 policy in place about DA investigations
21 into members of service?

22 MR. MARTS: Objection.

23 Outside of the scope.

24 A. Not prepared to answer.

25 Q. Was there any unwritten policy

1 J. KANGANIS

2 at the time of the 2020 protests about DA
3 investigations into members of the NYPD?

4 MR. MARTS: Same objection.

5 A. Same answer, not prepared to
6 answer that question.

7 Q. Has there been any change to
8 any policy and procedure related to DA
9 investigations into members of the NYPD
10 since 2020 protests?

11 MR. MARTS: Same objection.

12 A. Not prepared to answer.

13 Q. Is the NYPD aware of any actual
14 investigations by any district attorney
15 office in New York City of a member of the
16 NYPD related to the 2020 protests?

17 A. I'm not prepared to answer that
18 question.

19 MR. MARTS: Please note my
20 objection. Apologies.

21 Q. Did any district attorney
22 office request any materials or assistance
23 from the NYPD related to any investigation
24 of a member of the NYPD related to the 2020
25 protests?

1 J. KANGANIS

2 A. From the team that we were
3 discussing, the answer is no. No requests
4 from the district attorney offices.

5 Q. Are you aware of any such
6 request?

7 A. No.

8 Q. So you're not prepared to speak
9 about any such request?

10 A. Correct.

11 MR. MARTS: Note my objection.

12 Q. Did the NYPD receive any
13 subpoenas compelling production of
14 documents or testimony related to any
15 investigation involving the 2020 protests?

16 A. Not prepared to answer.

17 Q. Are you aware, is the City
18 aware of any investigations by a district
19 attorney office that related to the 2020
20 protests that resulted in a decision to
21 prosecute a member of service?

22 MR. MARTS: Objection.

23 Outside of the scope.

24 A. Not prepared to answer.

25 Q. Are you aware of any district

1 J. KANGANIS

2 attorney investigation into Officer Vincent
3 D'Andraia during the 2020 protests?

4 A. No.

5 Q. Is the City aware of any
6 investigation into Officer D'Andraia?

7 MR. MARTS: Objection.

8 A. Not prepared to answer.

9 Q. Is the City aware of any
10 district attorney's investigation into
11 Officer Michael Sher during the 2020
12 protests?

13 MR. MARTS: Same objection.

14 A. Not prepared to answer.

15 Q. Going back to the questions I
16 asked earlier about the preservation
17 notices, in response to any request for
18 information by the attorney general, the
19 DOI, district attorney offices, or the Law
20 Department, did the City of New York learn
21 that responsive documents have been
22 deleted?

23 MR. MARTS: Objection.

24 Outside of the scope.

25 A. No.

1 J. KANGANIS

2 Q. In responding to any request
3 for information by the attorney general,
4 the district attorney offices, the
5 Department of Investigation, or the Law
6 Department, did the City of New York learn
7 that responsive documents have been
8 overwritten?

9 MR. MARTS: Same objection.

10 A. No.

11 Q. Moving to a different topic,
12 are you aware of a March 14, 2023 letter
13 from the Legal Aid Society to Mayor Adams
14 describing an analysis of Commissioner
15 Sewell's departure from CCRB
16 recommendations?

17 A. I'm aware of a letter, but I
18 haven't read it.

19 Q. I'm going to show you what will
20 be marked Kanganis 26.

21 (Whereupon, the aforementioned
22 document was marked as Kanganis
23 Exhibit 26 for identification as of
24 this date by the Reporter.)

25 Q. Do you recognize this document?

1 J. KANGANIS

2 A. No.

3 Q. Does it appear to be a letter
4 from the Legal Aid Society to Mayor Eric
5 Adams from March 15, 2023?

6 A. Yes.

7 MR. MARTS: Objection.

8 Scope.

9 Q. On page four, just if you can
10 read this paragraph here.

11 A. I read it.

12 Q. It says that the Legal Aid
13 Society found that the commissioner had
14 rejected CCRB's recommendations in 346
15 cases because the NYPD decided that the
16 CCRB's recommendation was sent to the NYPD
17 too close to the complaint's statute of
18 limitation; correct?

19 MR. MARTS: Objection.

20 Outside of the scope.

21 A. That's what it says.

22 Q. Does the City dispute the
23 accuracy of the number?

24 MR. MARTS: Objection.

25 Outside of the scope.

1 J. KANGANIS

2 A. Not prepared to answer.

3 Q. Going to the second paragraph,
4 do you agree that it says that Legal Aid
5 found that the average time between the
6 CCRB's recommendation and the statute of
7 limitations was over three weeks; is that
8 right?

9 MR. MARTS: Objection.

10 Outside of the scope.

11 A. Not prepared to answer.

12 Q. Well, that's what this letter
13 says; correct?

14 A. Yeah.

15 MR. MARTS: Objection.

16 A. I thought you asked me if I
17 agreed.

18 Q. Do you dispute that number?

19 MR. MARTS: Objection.

20 Outside of the scope and asked
21 and answered.

22 A. I'm not prepared to answer your
23 question.

24 Q. Is a period of three weeks
25 sufficient to make a determination to

1 J. KANGANIS

2 accept or reject a CCRB recommendation?

3 MR. MARTS: Same two
4 objections.

5 A. Not prepared to answer.

6 Q. What is a sufficient amount of
7 time for a commissioner to make a
8 determination about whether or not to
9 accept CCRB's recommendation for
10 discipline?

11 MR. MARTS: Objection.
12 Outside of the scope of the
13 topics.

14 A. Not prepared to answer your
15 question.

16 Q. In cases when the commissioner
17 determines that the recommendation is too
18 close to the statute of limitations or that
19 it has expired, can NYPD still impose
20 discipline on an officer where warranted?

21 MR. MARTS: Objection.
22 Outside the scope.

23 A. Not prepared to answer.

24 Q. Does the NYPD consider training
25 or instructions discipline in those cases?

1 J. KANGANIS

2 MR. MARTS: Objection.

3 Outside the scope of the
4 topics.

5 A. Not prepared to answer your
6 question.

7 Q. What was the NYPD's response to
8 this report from the Legal Aid Society?

9 MR. MARTS: Objection.
10 Outside the scope of the
11 topics.

12 A. Not prepared to answer.

13 Q. Is it accurate that NYPD
14 sources told New York Post that the CCRB
15 dumped hundreds of cases on them?

16 MR. MARTS: Objection.
17 Outside of the scope of the
18 topics.

19 A. Not prepared to answer.

20 Q. I'm going to show you what will
21 be marked Kanganis 27.

22 (Whereupon, the aforementioned
23 document was marked as Kanganis
24 Exhibit 27 for identification as of
25 this date by the Reporter.)

1 J. KANGANIS

2 MS. BULL: This is a New York
3 Post article that was shared with
4 counsel before the deposition today.

5 Q. Have you seen this before?

6 A. No.

7 Q. I didn't hear that.

8 A. No.

9 Q. This appears to be a New York
10 Post article called "Civilian Complaint
11 Review Board Dumped Hundreds of Cases on
12 NYPD At the Last Minute, Police Sources."
13 Just read the first sentence highlighted
14 here.

15 A. Okay.

16 Q. Does this statement reflect a
17 position of the NYPD?

18 MR. MARTS: Objection.

19 Outside of the scope of the
20 topics.

21 A. I'm not prepared to answer it.

22 Q. Can you explain what is meant
23 by the statement, that is, "the CCRB dumped
24 hundreds of cases on the NYPD"?

25 MR. MARTS: Objection.

1 J. KANGANIS

2 Outside of the scope of the
3 topics.

4 A. No.

5 Q. I want to go back to Kanganis
6 1. We said before these were the two
7 topics you were designated for today.

8 A. Yes.

9 Q. How do you interpret your
10 responsibility to answer questions about
11 topic 21B?

12 MR. MARTS: Could you repeat
13 the question?

14 (Whereupon, the referred to
15 question was read back by the
16 Reporter.)

17 MR. MARTS: Objection.

18 Objection to the form.

19 You can answer if you
20 understand the question.

21 A. Well, I have, you know -- how
22 do I explain? Is that your question? How
23 do I explain? There were no
24 communications, to answer your question,
25 regarding their decision not to prosecute

1 J. KANGANIS

2 or dismiss a prosecution. So there is not
3 really much for me to say if there were no
4 communications.

5 Q. So is your understanding of
6 this topic limited to any communications
7 that district attorney offices had with the
8 NYPD about decisions to decline or dismiss
9 a prosecution?

10 A. How am I going to testify about
11 the district attorney's decisions if I
12 haven't spoken to them?

13 Q. The topic is NYPD and City of
14 New York's response to any decisions.

15 A. And I answered the question you
16 asked me about that.

17 Q. Didn't you also testify today
18 that you were not aware of any specific
19 decisions to decline to prosecute or
20 dismiss a prosecution related to the
21 protests?

22 MR. MARTS: Objection.

23 A. We discussed -- didn't we
24 discuss the Vance article or memo?

25 Q. Outside of that announcement?

1 J. KANGANIS

2 A. That was it. That was the
3 decision not only by Vance's office, but it
4 was an article regarding the other district
5 attorneys in the Bronx, Brooklyn, and
6 Queens to make their decisions. So there
7 is nothing really to respond to. Those
8 decisions were made in the prosecutor's
9 office.

10 Q. Were you prepared at all to
11 talk about any specific decisions such as
12 the affidavit that we showed you at the
13 beginning of this deposition?

14 MR. MARTS: Objection.

15 A. Which affidavit are you
16 referencing?

17 Q. The affidavit in support of
18 dismissing prosecution.

19 A. No. I have never seen that
20 document before as I told you when you
21 asked me questions about it.

22 Q. How did you interpret the part
23 of topic 20 that references any local
24 district attorney's office?

25 A. Again, I think you want me to

1 J. KANGANIS

2 testify to communications that did not
3 happen. There was no coordination
4 regarding the decision to dismiss or not
5 prosecute certain cases. There was no
6 response.

7 Q. Topic 20, it doesn't talk about
8 dismissals to prosecute.

9 A. Continuing, if I may, I'm not
10 aware of any investigations similar to
11 that, those that were conducted by CCRB,
12 DOI, Law Department, the AG that were
13 conducted by local district attorneys.

14 Q. So your interpretation of topic
15 20 was that it only pertained to any
16 investigation by district attorney office
17 that was similar in nature to that of the
18 investigations by the Department of
19 Investigation or the Law Department?

20 MR. MARTS: Objection.

21 Objection to form.

22 You can answer.

23 A. Yes.

24 Q. Would you agree that NYPD and
25 the City of New York's response to the

1 J. KANGANIS

2 reports mentioned in topic 20 would include
3 any action taken to implement
4 recommendations from those reports?

5 A. Yes.

6 Q. What is your basis for
7 understanding that topic 20 would only
8 encompass investigations by district
9 attorney office that were similar in nature
10 to that of the Law Department or the DOI's
11 investigations?

12 MR. MARTS: Objection to form.
13 You can answer.

14 A. Because they all grew up
15 together. There is no mention of criminal
16 investigations by any local district
17 attorney office, district attorney, CCRB,
18 DOI into the City's responses to the summer
19 of 2020 protests.

20 Q. Does any local district
21 attorney office in New York conduct any
22 criminal investigations?

23 A. I'm not aware of any such
24 investigation, any local district attorney
25 office. They would have come through our

1 J. KANGANIS

2 team. There were no such requests.

3 Q. Does the local district
4 attorney office have any authority to
5 conduct a non-criminal investigation?

6 MR. MARTS: Objection.

7 A. Listen, I'm not aware of the
8 Law Department conducting an investigation
9 either, and they did.

10 Q. The Law Department was
11 specifically ordered to conduct that
12 investigation by Mayor de Blasio; right?

13 A. Yes.

14 Q. So they had authority to
15 conduct that investigation?

16 A. Yes, they did.

17 Q. In preparation for this
18 deposition, did you ever ask anyone outside
19 of your legal counsel what type of
20 investigations might be contemplated by
21 topic 20 including involving a district
22 attorney office?

23 MR. MARTS: Objection. I
24 apologize for speaking, but can you
25 clarify your question please because

1 J. KANGANIS

2 I'm a little confused?

3 Q. In the course of preparing for
4 this deposition, did it ever occur to you
5 that there were no investigations by any
6 district attorney office falling under the
7 definition of topic 20 that you thought
8 existed?

9 MR. MARTS: Objection to the
10 form of the question, also asking the
11 witness to speculate.

12 A. I don't have an answer for you
13 other than what I have already told you.

14 Q. Is there anything that you want
15 to change or add to your testimony that was
16 given today?

17 A. No.

18 MS. BULL: I'm going to turn
19 over questioning to co-counsel Remy
20 Green.

21 EXAMINATION BY

22 MX. GREEN:

23 Q. Good evening. I think we
24 should be able to get through what I have
25 very quickly.

1 J. KANGANIS

2 Just so you know, I'm one of
3 the attorneys on one of the other
4 consolidated cases. I am representing a
5 group of plaintiffs led by a plaintiff
6 named Adama Sow, A-D-A-M-A S-O-W.

7 Within the scope of topic 21B,
8 what I would like to ask you about is how
9 the City and the NYPD reacts to
10 declinations to protect suit or decisions
11 to dismiss a prosecution. I think it
12 should be pretty simple answers.

13 Does the City ever take into
14 account declination to prosecute decisions
15 to revise its policies?

16 MR. MARTS: Objection to the
17 scope.

18 MX. GREEN: What --

19 MR. MARTS: You asked me a
20 question. I can explain. I believe
21 there is another topic that's
22 relevant to specific policies. If
23 I'm not mistaken, it's topic one.

24 MX. GREEN: But what I asked
25 about was whether the NYPD and the

1 J. KANGANIS

2 City's response to decisions by any
3 district attorney to decline to
4 prosecute ever led to changes in
5 policy.

6 What is your argument or what
7 is your objection to that question
8 being within the scope of the NYPD
9 and the City of New York's response
10 to a decision by a district attorney
11 to decline to prosecute?

12 MR. MARTS: As I said, I
13 believe it is not a topic that
14 addresses changes in policy.

15 MX. GREEN: That is
16 nonresponsive.

17 What is your objection to being
18 within this topic?

19 MR. MARTS: I told you my
20 understanding, there is another topic
21 that potentially deals with changes
22 in policies. In my opinion, it falls
23 under that topic.

24 MX. GREEN: That's not what --
25 I mean --

1 J. KANGANIS

2 MR. MARTS: I put my objection
3 on the record.

4 MX. GREEN: I think it's a
5 bad-faith objection.

6 MR. MARTS: If that's what you
7 think, by all means.

8 MX. GREEN: I think it's
9 nonsensical, but fine.

10 Q. Deputy Inspector, please answer
11 the question.

12 A. Can you repeat the question?

13 Q. Is it your understanding that
14 the City of New York does not take into
15 account declination to prosecute decisions
16 in revising NYPD policy?

17 A. No.

18 Q. Sorry, maybe it's because I
19 asked it in a double negative way.

20 Is that no to say that the City
21 does not take those into account?

22 A. We have a Risk Management
23 Bureau does analysis of, you know, declines
24 to prosecute.

25 And if we see an issue that

1 J. KANGANIS

2 needs to be addressed, we might address it
3 in training or something like that.

4 Q. Did the Risk Management Bureau
5 take into account at any point any of the
6 declination to prosecute decisions during
7 the summer 2020 protests?

8 A. Not prepared to answer.

9 Q. You're not prepared to answer
10 whether the NYPD and the City of New York
11 response to declination to prosecute
12 decisions during summer 2020 protests
13 involved a consideration by the Risk
14 Management Bureau?

15 MR. MARTS: Asked and answered.

16 A. Right.

17 Q. Did any agency or other
18 decision-making body outside of the Risk
19 Management Bureau take into account
20 declination to prosecute decisions during
21 the summer of 2020 in evaluating NYPD
22 policy?

23 A. Not prepared to answer.

24 Q. Did your preparation at any
25 point during this involve speaking to

1 J. KANGANIS

2 anyone at the Risk Management Bureau?

3 A. No.

4 MX. GREEN: I have nothing
5 further.

6 MR. MARTS: Do you have any
7 follow-up questions?

8 MS. BULL: I do not.

9 MR. MARTS: Can we take like an
10 eight-minute break?

11 MS. BULL: So see you at 5:50?

12 MR. MARTS: Yes. Thank you.

13 (Whereupon, at 5:43 p.m., a
14 short recess was taken.

15 At 5:50 p.m., the deposition
16 resumed.)

17 MR. MARTS: I just want to put
18 on the record the same objections I
19 stated at the beginning of the
20 deposition, that based on how the
21 deposition transpired, I believe it's
22 obvious that the plaintiffs did not
23 comply with the paragraph 12 of the
24 stipulation pertaining to remote
25 deposition as well as Federal Rule of

1 J. KANGANIS

2 Procedure 30.

3 And I also reiterate the same
4 objection as stated in the beginning
5 of the deposition pertaining to
6 certain questions that were asked,
7 questions that were outside the
8 topics 20 and 21 the witness was
9 designated to testify to.

10 And I just want to reiterate
11 the position it's the defendant's
12 position that the answers to those
13 questions are not binding on the
14 City.

15 MS. BULL: We want to state for
16 the record that we will hold these
17 topics open because of the pervasive
18 lack of preparation that Deputy
19 Inspector Kanganis had for the topics
20 20 and 21 for which the witness was
21 designated to testify to.

22 MR. MARTS: Obviously, just for
23 the record, we disagree with the
24 objection.

25 MS. BULL: And we disagree with

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

J. KANGANIS

your objections.

MR. MARTS: I can see that.

MS. BULL: Thank you very much
for your time.

MR. MARTS: I would ask that
the copy of the transcript be made
available.

MS. BULL: Yeah, it will be.

(Whereupon, at 5:45 p.m., the
Examination of this witness was
concluded.)

° ° ° °

J. KANGANIS

C E R T I F I C A T E

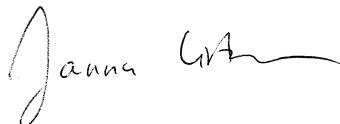
STATE OF NEW YORK)
: SS.:
COUNTY OF KINGS)

I, JANNA LIRTSMAN, a Notary Public for
and within the State of New York, do hereby
certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and
that such examination is a true record of
the testimony given by that witness.

I further certify that I am not related
to any of the parties to this action by
blood or by marriage and that I am in no
way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 11th day of April, 2023.



JANNA LIRTSMAN

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.